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Letter dated 19 June 2014 from the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, and in accordance with paragraph 5 of Security Council resolution 2136 (2014), I have the honour to transmit herewith the midterm report of the Group of Experts on the Democratic Republic of the Congo.

In this connection, I would appreciate if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Zeid Ra'ad Zeid **Al-Hussein**
Chair
Security Council Committee established pursuant to resolution 1533 (2004)
concerning the Democratic Republic of the Congo

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Letter dated 30 May 2014 from the Group of Experts on the Democratic Republic of the Congo addressed to the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

The members of the Group of Experts on the Democratic Republic of the Congo have the honour to transmit the midterm report of the Group, prepared in pursuance of paragraph 5 of Security Council resolution 2136 (2014).

(*Signed*) Victry **Anya**

(*Signed*) Frans **Barnard**

(*Signed*) Zobel **Behalal**

(*Signed*) Daniel **Fahey**

(*Signed*) Gora **Mbaye**

(*Signed*) Émilie **Serralta**

Midterm report of the Group of Experts on the Democratic Republic of the Congo

Summary

Since mid-January 2014, the Armed Forces of the Democratic Republic of the Congo (Forces armées de la République démocratique du Congo-FARDC) have been conducting an operation against the Allied Democratic Forces (ADF) in Beni territory of North Kivu Province. FARDC has suffered heavy casualties, but has dislodged ADF from all its known bases. The Group of Experts on the Democratic Republic of the Congo notes a current lack of independent and critical analysis of claims about ADF actions and allies, which may lead to misguided and ineffective decisions at the strategic and operational levels.

Based on visits to three former ADF camps, a preliminary analysis of documents recovered from those camps, an assessment of improvised explosive devices and other ADF weapons and interviews with informed authorities and the local population, the Group was unable to identify ADF links to, or support from, Al-Shabaab or Al-Qaida.

Expectations that FARDC and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) would attack the Forces démocratiques de libération du Rwanda (FDLR) early in 2014 notwithstanding, the Government of the Democratic Republic of the Congo has yet to order the start of a major operation.

FDLR, a sanctioned entity, has entered into alliances with Rwandan opposition parties in Belgium and Rwanda. The Group considers that this action was taken in order to garner international support, to forestall military operations against it and to force the Government of Rwanda to negotiate, notwithstanding its insistence that it will not negotiate with FDLR.

In contrast to claims that it is ready to disarm, FDLR continues to recruit and train combatants, including children. In addition, ex-combatants told the Group that FDLR leaders stated that their main objective remained to attack Rwanda. Evidence also indicates continuing collaboration at the local level between FARDC and FDLR.

The Group notes that, since the final report of the previously mandated Group, progress has been slow in resolving the fate of the ex-combatants and political cadres of the Mouvement du 23 mars (M23) in Rwanda and Uganda. Several problems have emerged, including members of M23 escaping from camps in Rwanda, increased numbers and evidence of reorganization among M23 members in Uganda and the absence of important M23 officers from lists of M23 members in Uganda.

The Group investigated the death on 14 April of Paul Sadala, also known as Morgan, the leader of Mai Mai Morgan in Ituri district. The Group found that poor planning and negligence by FARDC had contributed to Morgan's death and is concerned that his death may negatively affect security and efforts to disarm combatants in Ituri.

On natural resources, the Group notes delays in the implementation of the regional certification mechanism. The Group has identified structural weaknesses in the secretariat of the International Conference on the Great Lakes Region and a lack of political will among States members of the Conference as the primary causes of the situation.

The Government of the Democratic Republic of the Congo has a mine validation system, through which it inspects sites and authorizes mining activity. This has enabled exports of tin and tantalum from the Kivus, but the lack of validation in other regions, such as Ituri district, is preventing companies from legally exporting. This encourages the continuation of smuggling through neighbouring States. In this regard, the Group notes that the Government of Uganda has failed to curb the illegal trafficking of Congolese gold on its territory.

With the cooperation of the Government of Uganda, however, the Group has determined that a Congolese businessman was responsible for the shipment of 2,903 kg of ivory from the Democratic Republic of the Congo, seized in Kampala in October 2013.

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I. Background

1. Pursuant to paragraph 5 of Security Council resolution 2136 (2014), the Group of Experts on the Democratic Republic of the Congo hereby submits its midterm report to the Security Council, through the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo. The present report is based on four weeks of investigations in Burundi (Bujumbura), the Democratic Republic of the Congo (Ituri, Kinshasa, North Kivu and South Kivu) and Uganda (Kampala).

2. In accordance with the request made by the Council in paragraph 27 of resolution 2136 (2014), the Group exchanged information regarding natural resources with the Group of Experts on Côte d'Ivoire and the Panel of Experts on the Central African Republic. The Group also consulted the Panel of Experts on Libya, the Panel of Experts on the Democratic People's Republic of Korea, the Somalia and Eritrea Monitoring Group and the Panel of Experts on the Sudan. Annex 1 to the present report includes the critique by the Government of Uganda of the final report of the previously mandated Group of Experts (S/2014/42), while annex 2 contains the response of the current Group thereto.

3. The Group used the evidentiary standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions (S/2006/997). The Group based its findings on documents and, wherever possible, on first-hand, on-site observations by the experts themselves. When this was not possible, the Group corroborated information by using at least three independent and reliable sources.

4. Given the nature of the conflict in the Democratic Republic of the Congo, there are few documents that provide definitive proof of arms transfers, recruitment or the illegal exploitation of natural resources. The Group has therefore relied on eyewitness testimony from members of local communities, ex-combatants and current members of armed groups. It has also considered expert testimony by government officials and military officers from the Great Lakes region and United Nations sources.

II. Foreign armed groups

A. Allied Democratic Forces

5. Since launching operations against the Allied Democratic Forces (ADF) in mid-January, the Armed Forces of the Democratic Republic of the Congo (Forces armées de la République démocratique du Congo-FARDC) report that they have suffered heavy casualties, but have dislodged ADF from all known bases and killed many combatants. Concurrently, narratives regarding links between ADF and foreign terrorist groups, the sophistication and effectiveness of ADF improvised explosive devices and the number of people taken hostage by ADF have proliferated, a lack of hard evidence and credible analysis notwithstanding.

6. In April and May 2014, the Group visited former ADF camps on three occasions, and collected hundreds of pages of documents and audio recordings. The Group currently lacks the means to translate many of those documents and

recordings. A preliminary analysis of the information collected and the field visits and interviews undertaken by the Group, however, have not identified any ADF links to, or support from, Al-Shabaab or Al-Qaida, consistent with the findings of the previously mandated Group in its final report (S/2014/42, para. 72).

7. The Group continues to investigate the whereabouts of remaining ADF elements, including sanctioned individual Jamil Mukulu, and the current size and strength of ADF. The Group intends to continue its investigations into the financial and commercial ties of ADF in North Kivu and its connections with individuals outside the country (see S/2014/42, para. 88, and S/2011/738, paras. 57-65). Reported progress in FARDC operations against ADF notwithstanding, the Group believes that the command and control of ADF remains intact and that it has the potential to reconstitute itself, as it did after Operation Rwenzori in 2010 (see S/2010/596, para. 29, and S/2011/738, para. 50).

Operation Sukola I

8. On 17 January 2014, FARDC launched Operation Sukola I against ADF in Beni territory of North Kivu Province. The operation was carried out with limited logistical support from the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), including a medical evacuation mission to Goma. Troops of the MONUSCO Force Intervention Brigade are based in the towns of Mavivi and Kamango, but, as at the time of writing of the present report, they had not participated in ground combat.

9. Operation Sukola I has proceeded along two axes. Along the southern axis, FARDC cleared the Mbau-Kamango route before pushing north into ADF strongholds (see annex 3). The northern axis began to the east of Eringeti and advanced south into ADF territory. FARDC has taken control of more than a dozen camps and bases, including the key sites of Chuchubo, Nadui, Canada, Commander Ibrahim Battle Group and Madina.[1]

10. The operation has reportedly produced hundreds of mainly military casualties, although no independent verification of figures has occurred. FARDC officers told the Group that, as at 7 May, 217 soldiers had been killed in action and 416 wounded.[2] FARDC officers also indicated that those figures included a number of "friendly fire" casualties. Based on interviews with FARDC officers and soldiers and access to FARDC military medical records, the Group believes that those figures are reasonably accurate.

11. FARDC officers informed the Group that 531 ADF combatants had been killed during the operation as at 7 May. Based on its preliminary investigations, which include observations during three visits to camps Kabila and Madina and a visit to camp AKBG, the Group believes that the figure may be exaggerated. Moreover, the Group could not identify the whereabouts of ADF casualties, which should be numerous.[3] The Group observed evidence of combat in former ADF positions, but documented the graves of only some 40 assumed ADF members at the three camps,

[1] It is important to note that ADF site names have differed and on occasions changed between MONUSCO and FARDC reports.

[2] This is a ratio of 1:1.92, or for each FARDC soldier killed, 1.92 were injured.

[3] Applying the FARDC ratio of 1:1.9 would indicate 1,018 ADF wounded.

or along the trails between them.[4] That observation contrasts with claims by FARDC General Bahuma, commander of the 8th Military Region, that his soldiers had killed 300 ADF combatants during the assault on camp Madina alone.[5]

12. FARDC officers told the Group that the vast majority of ADF combatants killed were men. While FARDC captured a boy from ADF position Jericho following fighting, MONUSCO sources who interviewed him stated that he was not a combatant. The MONUSCO Child Protection Section told the Group that it had identified four child soldiers separated from ADF between 1 December 2013 and 31 March 2014.

13. The assumed success of the operation notwithstanding, Congolese and Ugandan officials told the Group that the ADF command structure remained intact. Neither FARDC nor the Ugandan authorities working closely with FARDC have confirmed the deaths or identified the potential whereabouts of senior ADF leaders, who, together with potentially hundreds of combatants and dependants, are believed by FARDC to be in north-eastern Beni territory, south of Abia. FARDC and MONUSCO sources have issued unconfirmed reports that some ADF combatants have travelled north into the Ituri district. In April, a spokesperson for the Government of Uganda claimed that ADF leader and sanctioned individual, Jamil Mukulu, had left the Democratic Republic of the Congo. The Group has found no evidence to confirm that statement.

14. FARDC has seized all known ADF camps, but taken very few prisoners. The Group interviewed a former ADF combatant of Ugandan nationality who was captured in February 2014. The Group talked to three other supposed ADF prisoners, all of Ugandan nationality; however, one was mentally ill,[6] one refused to speak and the third did not appear to have been a member of ADF, based on the information that he provided to the Group. The Group will continue to investigate the reason for the lack of prisoners taken during the operation.

15. Similarly, the operation has produced few known escapees from ADF (see S/2014/42, para. 76).[7] The Group interviewed three children who told the Group that they had been kidnapped: two had been released within a few days, after carrying pillaged goods to ADF bases, while the third had escaped after approximately a month. The Group viewed the identification card of one of the staff of Médecins Sans Frontières who was kidnapped in July 2013 in Kamango (S/2014/42, para. 146). FARDC told the Group that the card had been recovered in the compound of Jamil Mukulu at the Madina camp.

16. Since Operation Sukola I began, estimates of the number of people kidnapped by ADF have increased significantly and FARDC, MONUSCO and local sources now commonly state that between 600 and 1,000 people have been kidnapped. The

[4] Identified as ADF graves by FARDC officers.

[5] Other senior FARDC officers told the Group that FARDC had killed 80 ADF members at Madina.

[6] The prisoner was twice presented to the Group, once as a Ugandan citizen and once as a South Sudanese citizen. In both cases, he confirmed to the Group the nationality ascribed to him by his Congolese captors.

[7] It should be noted that Mai Mai groups also kidnapped people in the same area in 2013 (see S/2013/433, para. 66). FARDC officers and civil society representatives in Beni told the Group that dozens of people had escaped, but were keeping a low profile to avoid being arrested and accused of collaboration with ADF.

Group was unable to obtain any documentation to support those figures. It obtained two documents created by local organizations, which contained lists of people allegedly kidnapped by ADF; one list had 350 names, the other 102 names.

Attacks on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

17. Two attacks on MONUSCO staff have been attributed to ADF, although MONUSCO has been unable to confirm ADF responsibility. In the first incident, on 5 February 2014, an unknown gunman shot and killed Hamza Katsambya, a Congolese MONUSCO staff member based in Beni. The second incident took place on 3 March, when a man riding a motorcycle threw a grenade into the back of a MONUSCO pickup truck, injuring six Nepalese MONUSCO soldiers.

18. MONUSCO responded by withdrawing non-essential international and national staff from Beni to Goma and imposing strict security measures on the remaining staff. Based on interviews with MONUSCO staff and community leaders in Beni, the Group believes that this action has severely limited the ability of MONUSCO to interact with the local community and to gain information about the actions and intentions of ADF.

Arms and ammunition

19. FARDC officers told the Group that, during the course of Operation Sukola I, ADF combatants primarily used AK-47s, PK machine guns and improvised explosive devices. They have also used mortars and rocket-propelled grenades on a limited basis. Early in May 2014, FARDC recovered a variety of arms from an ADF arms cache, including Yugoslav-made TMA-5 antitank landmines (see para. 28).

20. The use of improvised explosive devices is new for ADF (see S/2014/42, para. 79). For a technical analysis of such devices, the Group consulted four Ammunition Technical Officers. They provided feedback based on photographic evidence from the Group, which has supplemented the analysis carried out by the Group based on physical inspection of the devices.

21. The Group inspected two intact improvised explosive devices and a third unassembled device, all in FARDC custody (see annex 4). The devices were locally produced, and initiated by command wire using commercial-grade detonators, with the explosive charge likely to be ammonium nitrate and fuel oil or ammonium nitrate and aluminium. Two devices used thin aluminium pots with lids, while the container for the unassembled device was a thicker metal pot. In one of the assembled devices, the Group identified scrap from suspected S-8 rockets used by FARDC attack helicopters; the Group observed several of those expended rockets at the Madina camp. Other scrap for all three devices consisted of chunks of metal, batteries, cartridge cases and small arms ammunition.

22. The preliminary analysis of the Group, with input from the Ammunition Technical Officers, suggests that, while the devices are capable of causing significant bodily injury in close proximity to the blast, they are unsophisticated and demonstrate none of the skills and knowledge transfer that would be expected from connection to, or cooperation with, groups such as Al-Qaida or Al-Shabaab. They are not constructed in a way that would maximize the effect of the blast, or result in a high likelihood of successful initiation.

23. The Group inspected four suspected improvised explosive devices in situ near the Madina camp. Of those, one was a discarded pot (not a device), one was an unexploded hand grenade and another was in a location where visual inspection could not identify it as a device. A fourth device was in a position showing no evidence of recently disturbed soil or any command wire; the Group was therefore unable to ascertain whether a device had been implanted there.

24. FARDC officers told the Group that improvised explosive devices had caused large numbers of FARDC casualties. FARDC was unable to provide the Group with estimates of the number or size of the devices used to date, or with a precise number of the soldiers killed or wounded by them.

25. To estimate the number of injuries caused by improvised explosive devices, on three occasions the Group visited the FARDC military hospital in Beni, where most injured soldiers were taken. The Group reviewed the intake log for 351 patients (350 FARDC and 1 ADF) for the period from 22 January to 14 April 2014. The log listed gunshot wounds as the cause of 155 injuries (44 per cent), effects from a "bomb" as the cause of 25 injuries (7 per cent) and shrapnel from unidentified sources as the cause of 21 injuries (6 per cent).[8] For 151 entries (43 per cent), no specific mechanism of injury was identified; however, most of those entries identified penetrating wounds consistent with either gunshots or shrapnel from improvised explosive devices or other explosive devices. Seventeen deaths from injuries were recorded.

26. Among the "bomb" and shrapnel injuries recorded, it is difficult to determine how many injuries were related to improvised explosive devices, how many were attributable to other explosive rounds fired by ADF or how many were due to "friendly fire" injuries. In addition, the Group has no information relating to the 66 other injuries reported by FARDC,[9] but not recorded in the Beni intake book.[10] FARDC has released no official statement about the cause of death of 217 FARDC soldiers. Thus, there is insufficient information at this time to support claims that improvised explosive devices have caused most FARDC casualties. It is evident, however, that ADF has used such devices and that they have injured and killed FARDC soldiers.

27. On 24 April 2014, FARDC officers told the Group that they had recovered some 100 automatic weapons from ADF since the start of operations. The Group inspected five of those weapons, all variants of AK-47s that were old and poorly maintained. During a visit to the Madina camp on 22 April, the Group also identified a base plate for a 60 mm mortar and a plastic casing for a TMA-5 antitank mine (see annex 5), along with evidence of two other TMA-5 mines.

28. Early in May, FARDC recovered arms from a cache in the forest near the town of Abia. The most significant find was five TMA-5 mines (see annex 6), with the same casings as those previously identified by the Group in the Madina camp. The Group inspected the mines at a FARDC base in Beni and determined that they were unfused and thus non-functional. In addition, FARDC has recovered AK-47s (53), rocket-propelled grenades (37), 60 mm mortars (15) and 12.7 mm anti-aircraft guns (2). The

[8] One FARDC soldier was listed as having been shot by a bullet and wounded by a bomb.

[9] FARDC told the Group that 416 soldiers had been wounded, and the Group saw intake records for 350 soldiers, so an additional 66 soldiers had been wounded.

[10] Lightly wounded soldiers were treated at Oicha hospital.

Group also inspected those weapons, observing that they were old and probably inoperable.

Evidence from Allied Democratic Forces camps

29. During visits by the Group to ADF camps in April and May 2014 and as a result of FARDC cooperation, the Group obtained hundreds of pages of documents, plus audiotapes. The documents are written in English, Luganda, Kiswahili, Arabic and phonetic Arabic (i.e. Arabic written in Latin letters); the audiotapes are in Luganda and Arabic. The Group has begun to analyse the documents in English and had some selected Arabic documents translated (see annex 7), but lacks the means to translate a large volume of the information in its possession. Substantively, this means that, while the Group has made preliminary observations, they are based on a small percentage of the documents and recordings available.

30. Based on an initial review of the documents, plus observations at former ADF camps, several issues are noteworthy. Most significantly, evidence to date identifies no mention of Al-Shabaab or Al-Qaida.[11] In addition, senior FARDC officers told the Group that they had recovered no evidence of such a link during their operations.

31. The overall picture of ADF that is emerging is one of a multilingual, Islamic "State within the State" in the forests of Beni territory, which sought to protect its own existence rather than to project its power outside a fairly limited geographical area. ADF operated a series of camps, which were effectively villages linked by a network of trails (see annex 8). The Madina camp was the ADF headquarters, where Jamil Mukulu reportedly lived. The Group estimates the population of Madina to have been between 500 and 700 before the start of operations[12] and the population of the AKBG camp to have been no more than 100. The Group could not estimate the size of the Kabila camp because FARDC had constructed its own base there and erased traces of the former camp.

32. Based on the observations of the Group in former ADF camps and on an analysis of documents, it appears that ADF was organized into different departments (see annex 9). ADF maintained at least three hospitals,[13] had its own court system and prison and operated schools teaching classes to boys and girls, in addition to adults (see annex 10). A few documents contain military instructions or guidance (see annex 11), however, the Group has not identified any documentation relating to the production or use of improvised explosive devices, or suggesting links to foreign terrorist groups.

33. Documents recovered by the Group reflect the religious dimension of ADF. Religious documents analysed to date include prayers in Arabic and instructions on appropriate behaviour. Instruction in the Arabic language appears to have been part of religious instruction, but was not taught in the secular school system.

[11] The Group acknowledges that ADF may have removed such evidence before evacuating its camps.

[12] General Bahuma has stated that the population of the Madina camp was in excess of 1,000 people.

[13] While ADF documents identify medical facilities as "hospitals", based on the observations of the Group in the Madina and AKBG camps, the word "clinic" more accurately describes the scale and capacity of the facilities.

34. The documents analysed demonstrate comprehensive record keeping. While many of the records enumerate mundane purchases of consumer goods such as sugar and cooking oil, other records mention regional travel; for example, in 2013, an ADF agent travelled within Goma and crossed the border to Gisenyi, Rwanda. The Group will continue to translate and analyse the ADF financial records in its possession.

Rhetoric about the Allied Democratic Forces and its implications

35. Statements about ADF actions and capabilities appear to have become detached from reliable information and credible analysis. This is most evident with regard to statements about ADF links to Al-Shabaab and Al-Qaida. The Government of Uganda has repeatedly asserted such links (see annexes 1 and 40),[14] but has not provided the Group with clear evidence establishing them (see S/2014/42, para. 72). On 8 May in Beni, a colonel in the Uganda People's Defence Forces announced at a meeting of MONUSCO and FARDC officers that Jamil Mukulu was the fifth most senior official in Al-Qaida and in charge of all Al-Qaida operations for Central and Eastern Africa. The Government of Uganda denied to the Group that the colonel had made that claim (see annex 40); however, the Group confirmed that the claim had indeed been made (see annex 41).

36. Furthermore, the Group was unable to identify efforts by any organization to determine the veracity of claims about kidnap victims, how many of those victims might have returned home or how many might have voluntarily joined ADF.[15] As noted above, claims about the number of people abducted are two to three times higher than the figures in existing lists of purported victims.

37. Statements about the capacity of ADF to use improvised explosive devices have generated questionable claims. In April 2014, Ugandan officials told the Group that ADF had trained more than 200 people in the "use of" such devices and that they had caused most FARDC casualties. In a letter to the Group in May 2014, the Government of Uganda modified that claim, stating that "quite a number of ADF" had received training in the fabrication and use of such devices (see annex 40). FARDC has made unsubstantiated claims about the extent of their use and the number of casualties that they have caused.

38. Lastly, some attacks and crimes in which no perpetrator has been identified are being attributed to ADF. Congolese government officials initially blamed ADF for killing FARDC Colonel Mamadou Ndala on 2 January 2014 in an ambush near Beni. FARDC officers and local leaders in Beni told the Group that other armed actors, possibly including FARDC elements, had probably killed him. As mentioned above, some MONUSCO sources identified ADF as responsible for killing a MONUSCO staff member and for attacking MONUSCO peacekeepers in Beni; however, investigations have failed to identify the perpetrators of either attack. MONUSCO and Congolese officials also attributed responsibility for other attacks in Beni during March and April 2014 to ADF, although no evidence clearly linked ADF to them. Several international workers and MONUSCO staff told the Group that the current situation led to "everything being blamed on ADF".

[14] Annexes 40 and 41 were added just before the deadline for the present report, meaning that the numbering of the annexes is out of sequence.

[15] The Group notes that Médecins Sans Frontières has sought since July 2013 to determine the fate of its staff kidnapped at Kamango (see S/2014/42, para. 146).

39. The Group notes a current lack of independent and critical analysis of claims about ADF. In the absence of such analysis, unverified or unsubstantiated claims about ADF allies, actions, capabilities and intentions may lead to misguided and ineffective decisions at the strategic and operational levels.

B. Forces démocratiques de libération du Rwanda

40. After the defeat of M23 in November 2013, the Forces démocratiques de libération du Rwanda (FDLR) issued a press release in which it stated that it had peaceful intentions and was ready to negotiate with the Government of Rwanda (see S/2014/42, para. 93). That declaration was consistent with expectations within the international community that FARDC and MONUSCO would soon attack FDLR. MONUSCO preparedness to conduct operations against FDLR notwithstanding, as at the time of writing of the present report the Government of the Democratic Republic of the Congo had not authorized a major operation against FDLR.

41. Early in 2014, FDLR maintained its strategy, notably by claiming that it had stored its weapons in anticipation of surrendering them and was seeking the assistance of the international community to achieve a political solution with the Government of Rwanda (see para. 45). In April and May, however, FDLR ex-combatants told the Group that FDLR leaders were continuing to recruit and train individuals and talk about attacking Rwanda. The Group thus considers that FDLR is attempting to position itself as a legitimate political actor, while simultaneously maintaining military readiness.

42. While desertions persisted during early 2014, FDLR recruitment has also continued. Between January and April 2014, the MONUSCO disarmament, demobilization, repatriation, reinsertion and reintegration programme received 165 FDLR combatants, including 89 foreign and 76 Congolese nationals. However, six FDLR ex-combatants and MONUSCO sources told the Group that FDLR had continued to recruit during that same period. The ex-combatants added that that recruitment had included children. The Group believes that the strength of FDLR is still some 1,500 combatants, consistent with the conclusions in the final report of the previously mandated Group (see S/2014/42, para. 90).

43. Early in 2014, two important, high-ranking FDLR officers returned to the armed group. In its final report, the previously mandated Group noted that, in September 2013, FARDC had arrested "Lt. Col." Ferdinand Nsengiyumva, who was in charge of FDLR operations in South Kivu (see S/2014/42, para. 89). Early in March, he escaped from custody and rejoined FDLR. The Group also stated that "Col." Hamada Habimana, the sector commander for South Kivu, had deserted in November 2013, however, he also returned to FDLR in March.

Activities of the political leadership in the Democratic Republic of the Congo

44. On 30 December 2013, FDLR issued a statement signed by the President ad interim, "Gen." Victor Byiringiro, also known as "Gen." Gaston Rumuli, a sanctioned individual. The statement declared that FDLR was committed to laying down its arms and leading a political struggle and did not want war (see annex 12). The claim evoked the promises made by FDLR in its Rome Declaration of 2005 (see annex 13) and recalled similar strategies pursued by the former FDLR leadership in Europe (see S/2008/773, para. 70).

45. Recent public relations efforts made by FDLR include meeting and talking to foreign journalists and releasing press statements. In February and March 2014, Victor Byiringiro met international journalists at FDLR headquarters in Buleusa, Walikale territory, and told them that FDLR was currently disarming and wanted the international community to pressure the Government of Rwanda to engage in negotiations.

46. Such declarations conflict with pictures taken at the time of the February meeting, showing heavily armed men (see annex 14), and a small quantity of weapons "stored" as evidence of FDLR having laid down their weapons (see annex 15). The Group talked to seven former FDLR combatants, including two previously based in Buleusa, who stressed that their commanders continued to say that the objective of FDLR was to attack Rwanda. Only 1 of the 11 FDLR deserters interviewed by the Group knew about the intention of FDLR to negotiate with the Government of Rwanda.

47. Despite expressing its willingness to disarm, the FDLR leadership refuses to go through a disarmament, demobilization, repatriation, reinsertion and reintegration programme or hand over weapons to MONUSCO. On 23 February 2014, Victor Byiringiro sent an e-mail, which the Group has obtained, in which he stated that FDLR had refused a demand made by the Government of the Democratic Republic of the Congo that it contact MONUSCO to surrender its weapons and canton its combatants (see annex 16). According to the e-mail, which noted that Congolese officials had made the demand during a meeting with FDLR on 22 February in Buleusa, FDLR refused to disarm unless it could engage in political dialogue with the Government of Rwanda. In a letter dated 12 March to the Special Representative of the Secretary-General for the Democratic Republic of the Congo and Head of MONUSCO, Victor Byiringiro stressed again that FDLR "did not want to fight (...) we would love to go back home in Rwanda in Proper way not in that way of Disarmament, Demobilization, Repatriation, Reinsertion and Reintegration (DDRRR) process. we know and we are aware of it. this way is to favorise Kagame and RPF of Kigali. is not a political solution" (sic).

48. On 18 April 2014, Victor Byiringiro announced that FDLR would begin a "handover of its weaponry and relevant combatants" to the Southern Africa Development Community on 30 May in both North and South Kivu and invited other stakeholders to witness the event (see annex 17). On 21 May, the FDLR spokesperson, La Forge Fils Bayeze, confirmed to the Group that the Southern Africa Development Community would attend the event.

Political support outside the Democratic Republic of the Congo

49. As part of its effort to mobilize international support to force the Government of Rwanda to negotiate, FDLR has progressively established formal ties with several Rwandan opposition parties based in Belgium and Rwanda.

50. On 1 July 2012, FDLR and the Parti social Imberakuri (PS-Imberakuri), a Rwandan opposition party, established an alliance called FCLR-UBUMWE (Front commun pour la libération du Rwanda et des Rwandais). According to a joint press release issued on 12 January 2014 (see annex 18), Victor Byiringiro is President of FCLR-UBUMWE, while Alexis Bakunzibake, First Vice-President of PS-Imberakuri, acts as Vice-President. The stated objective of the new party is "peaceful change of power in Rwanda", but the press release notes that, "if the international community

continues to ignore its plight, it will have no other choice than using all the means at its disposal".

51. On 8 November 2013, PS-Imberakuri and another Rwandan opposition political party, RDI-Rwanda Rwiza (Rwandan Dream Initiative, led by the former Prime Minister of Rwanda, Faustin Twagiramungu), released a joint statement in support of FDLR (see annex 19). In the press release, the two parties expressed concern about upcoming military operations against FDLR. They reaffirmed "the legitimacy of the FDLR's struggle and other Rwandan political forces struggling in favor of returning to their country for all Rwandans in exile in acceptable conditions including opening of a pluralistic political space allowing free speech and respect of human rights" and called for an urgent solution to the problem of Rwandan refugees in the Democratic Republic of the Congo.

52. A series of consultative meetings early in 2014 in Brussels concluded in the creation on 1 March of a coalition, Coalition des partis politiques rwandais pour le changement, consisting of RDI-Rwanda Rwiza, FCLR-UBUMWE and the Rwandan Democratic Union (RDU-UDR) (see annex 20). The stated objective of the coalition is to pressure Kigali to negotiate over the situation of Rwandan refugees in the Democratic Republic of the Congo. The coalition's press release stated that the coalition of all Rwandan opposition parties was in fact the idea of RDU-UDR (see annex 21). Paulin Murayi set up RDU-UDR on 14 February 2014 after resigning as head of the Rwanda National Congress chapter in Belgium, along with his wife, Winnie Kabuga, the daughter of Felicien Kabuga.

53. Victor Byiringiro signed the press release on behalf of FDLR, along with Faustin Twagiramungu for RDI-Rwanda Rwiza and Paulin Murayi for RDU-UDR. Faustin Twagiramungu is the President of the Coalition, while a member of FCLR-UBUMWE is the Vice-President. The General Secretary, the management teams for the committees for politics and defence and the spokesperson are also from FCLR-UBUMWE. Several other political parties present during the meeting declined to join. In May 2014, Faustin Twangiramungu told the Group that he was aware that FDLR was a sanctioned entity and that Sylvestre Mudacumura was wanted by the International Criminal Court, but said that he did not know about the continuing recruitment, including of children, by FDLR. He further stated that he did not agree with that and would request further information.

Relations between the Forces démocratiques de libération du Rwanda and the Forces armées de la République démocratique du Congo

54. Reports of the previously mandated Group have documented collaboration at the local level between FDLR and FARDC elements, including cooperation during operations against M23 and provision of ammunition by FARDC to FDLR (see S/2013/433, paras. 106-109, and S/2014/42, paras. 97-98). In April and May 2014, seven FDLR ex-combatants from North and South Kivu told the Group that FARDC soldiers continued to sell or barter their material with FDLR, including ammunition, weapons and/or uniforms.

55. In one example, two former FDLR combatants and two local officials told the Group that FDLR and FARDC elements had collaborative relations in the Tongo area. When there were skirmishes between FARDC and FDLR on 9 March 2014 in Tongo, the Rwandan authorities alleged that FARDC elements had warned FDLR of the operation; that was affirmed by a former FDLR combatant based in Tongo whom

the Group interviewed. According to local officials and FDLR combatants, since the attack on 9 March, FDLR has continued to visit Tongo and nearby villages in civilian clothes and without weapons, the presence of FARDC troops notwithstanding. The Group intends to continue investigating the relations between FDLR and FARDC.

III. Congolese armed groups

A. Mouvement du 23 mars

56. The Group notes that, since its previous report, progress has been slow in efforts to resolve the fate of Mouvement du 23 mars (M23) ex-combatants and political cadres in Rwanda and Uganda. Several problems have emerged as the process has endured, including members of M23 escaping from camps in Rwanda, increased numbers and evidence of reorganization among M23 members in Uganda and the absence of important M23 officers from lists of M23 ex-combatants in Uganda.

57. The fate of the M23 ex-combatants who fled to Rwanda in March 2013 and to Uganda in November 2013 remains largely unaddressed, notably owing to delays in implementation of the terms of the Nairobi Declarations signed on 12 December 2013. For example, the process of identifying M23 ex-combatants in Uganda and Rwanda for demobilization, disarmament and repatriation was supposed to have been undertaken in April, but had not yet begun by mid-May, thereby postponing their repatriation to the Democratic Republic of the Congo.[16]

58. In Rwanda, dozens of M23 ex-combatants have left the camp at Ngoma since 2013. According to a list provided to the previously mandated Group by the Government of Rwanda and a list provided by the Congolese authorities, at least 48 M23 ex-combatants escaped from Ngoma camp in late 2013 and early in 2014 (see annex 22). Owing to scheduling conflicts, the Group was unable to visit Rwanda to discuss the issue with the Government. On 20 May 2014, the Government replied to a request from the Group for an updated list of escapees, stating that a profiling exercise had begun on 19 May and that results would be shared upon completion.

59. It is unclear exactly how many M23 ex-combatants are in Uganda and the number has fluctuated in the past six months (see annexes 40 and 41). On 19 November 2013, the Government of Uganda stated in a letter to the Group that 1,445 M23 ex-combatants had entered Uganda (see S/2014/42, box 2). According to a report from the Expanded Joint Verification Mechanism (see annex 23), on 20 November the Ugandan armed forces declared that they had received 1,375 M23 ex-combatants, including 52 children.[17] The children were subsequently separated from the adults, which would have reduced the number of ex-combatants to 1,323,[18]

[16] In April, the Government of Uganda expressed its frustration to the Group about the continuous stay of M23 in Uganda and the financial burden on the budget of the Ministry of Defence in providing for the welfare of members of M23.

[17] On 13 and 14 November, the Government of Uganda moved the M23 combatants to the Kasese district.

[18] This includes 42 combatants who were hospitalized near Kampala.

not including "Gen." Sultani Makenga and "Col." Innocent Kaina. The Mechanism's own headcount in December identified 1,302 ex-combatants, including 17 women.

60. The lack of clarity about M23 numbers stems in part from the fact that M23 leaders have been allowed to create their own lists. The Group obtained two M23 roll-call lists: one established before 3 February 2014 and one that the Ugandan armed forces gave to the Group in April. The Ugandan armed forces told the Group that M23 had created both lists, but that Ugandan officers were present during the roll call. On both lists, M23 declared that it consisted of three battalions and one headquarters unit.

61. The Group has found several significant discrepancies between the February and April lists. First, the February list contained 1,325 combatants, which is in line with the previous statement by the Ugandan armed forces to the Mechanism, but the April list contained 1,343 names (see annex 24). Among those added to the April list were four new "Lt. Cols.": Mugabo Damascene, Shaba Ndombi Georges, Ibrahim Rwagati and Kikuni Butembezi.

62. Second, although it might appear that only 18 people were added to the April list, the number added is actually higher because some people dropped off the rolls entirely between February and April.[19] For example, the Group found that 23 of the 157 names on the February list of the headquarters unit did not appear on the April list. The Group further determined that 39 names had been added to the headquarters unit, to bring the total to 173 on the April list. Of those 39, the Group discovered that 30 names were entirely new, i.e. they did not appear anywhere on the February list. The remaining 9 names appeared on the February list, but under different battalions.

63. Third, the April list showed that M23 had reorganized and moved officers and soldiers between units since the creation of the first list, as was the case for the headquarters unit. The Group is investigating who gave the orders for such reshuffling and its purpose, especially in the context of impending repatriation.

64. In May, the Group wrote to the Government of Uganda to seek clarification of the changing numbers and the reshuffling within the ranks. The Government responded (see annex 40), but the Group believes that the response reinforces the concerns that it has identified, rather than addressing them (see annex 41).

65. The Group has identified other anomalies in the February and April lists. "Col." Antoine Manzi, M23 chief of intelligence (see S/2014/42, para. 154), appears on both lists as a military officer, but also appears without his rank on the list of political cadres in Kampala (see annex 25). The Group notes with concern the absence from either list of two important officers: "Maj." Fred Ngenzi Kagorora and "Lt. Col." Castro Mberagabo Mbera (see S/2014/42, para. 37, S/2008/773, paras. 21 and 36, and annexes 40 and 41 to the present report).

66. In late December 2013, the Ugandan authorities relocated the M23 ex-combatants to a Ugandan armed forces training centre at Bihanga, but at this site they can move freely in and out of the camp. While most M23 ex-combatants are in Bihanga and some are in a military hospital in Bombo, certain M23 officers and political cadres are living in Kampala. According to the Ugandan authorities,

[19] The Group had not completed its analysis of the lists at the time that the present report was completed.

sanctioned individuals Sultani Makenga and Innocent Kaina live in Kampala. According to the report of the Expanded Joint Verification Mechanism in December 2013, the Ugandan authorities moved Sultani Makenga away from his troops in order "to deny him command and control over troops and officers". The Ugandan authorities told the Group that Sultani Makenga and Innocent Kaina did not have freedom of movement; however, officers close to Sultani Makenga, such as Castro Mberagabo Mbera, move around freely. The Group is concerned about the freedom of movement that M23 personnel currently have in Uganda, in particular considering the changes in M23 numbers and composition (see annex 41).

67. On 11 February 2014, the Government of the Democratic Republic of the Congo issued an amnesty law, which required applicants for amnesty to complete and sign a declaration affirming that they would no longer engage in insurrection and acts of war. Any violation of the terms would render the amnesty void. In April, the Government released several amnesty lists, which included members of M23. It also issued a list of ex-M23 personnel not eligible for amnesty, including Sultani Makenga and Innocent Kaina.

Mouvement du 23 mars arms in Uganda

68. The Group was able to inspect M23 weapons, ammunition and material collected by the Government of Uganda from M23 combatants who fled to Uganda. Analysis of those arms suggests that they correlate broadly with the number of M23 forces recorded by the Ugandans. The most numerous items were AK-47 variants (847), PK machine guns (86) and rocket-propelled grenade launchers (64) (see annex 26). Absent were any of the heavier weapons and systems noted in 2013 at M23 sites such as Tshanzu (see S/2014/42, para. 41). The Group deems that consistent with the M23 withdrawal under imminent attack and the need to carry out physically anything that was taken. The only anomaly noted was the extremely small amount of ammunition for the four DShK 12.7 mm heavy machine guns. Given a cyclical rate of fire of 600 rounds per minute, the two boxes of approximately 50 rounds each would have been all but useless.

B. Mai Mai Morgan

69. The previously mandated Group has documented in past reports the relationship of Paul Sadala (alias Morgan) with senior leaders in the FARDC 9th Military Region (Orientale Province), including Maj. Gen. Jean Claude Kifwa, in addition to Morgan's responsibility for acts of sexual slavery, child recruitment, poaching and trafficking of ivory and gold (S/2014/42, paras. 64-67 and S/2012/843, paras. 128-132). On 14 April 2014, Morgan died following a failed attempt by FARDC to secure his surrender. The Group believes that the circumstances of Morgan's death have implications for the efforts of the Government of the Democratic Republic of the Congo to get armed groups to surrender and no longer violate the arms embargo, as well as for the long-term security and stability in the Ituri Mambasa territory.

70. The Group obtained documentary evidence about the case, including video footage and photographs taken between 12 and 14 April, and interviewed several eyewitnesses, including General Fall Sikabwe, the commander of the operational zone in Ituri.

71. Early in 2014, local leaders from Beni territory acted as intermediaries for negotiations between FARDC General Fall and Morgan. Early in April, Morgan agreed to negotiate in person with FARDC about his demands, including integration into FARDC with the rank of General (see annex 27). On 12 April, Morgan arrived at Badengaido from his base at the Muchacha gold mine, along with some 40 Mai Mai members.

72. On the morning of 14 April, General Fall's emissary, Colonel Miziamo, convinced Morgan to meet General Fall in Molokay, east of Badengaido. Morgan and some of his Mai Mai members, six of whom were armed, travelled in FARDC vehicles, along with many FARDC soldiers. At Molokay, General Fall and Morgan met in the former's vehicle to discuss his terms of surrender (see annex 28). Fall told the Group that, when Morgan refused to travel onward with FARDC to Epulu or Bunia, he exited the vehicle, sometime between 11 and 11.30 a.m. General Fall, wishing to prevent Morgan from returning to the bush, ordered his men to shoot Morgan in the legs. They complied, resulting in a brief shoot-out, in which several FARDC soldiers and Mai Mai members were killed or injured. Morgan was shot once in each leg. Photographic evidence also shows additional injuries, including a wound on his left hip that bled profusely, but the Group could not determine the causes of those injuries. When asked by the Group about the hip injury, General Fall said that a doctor had told him about the injury, but that he could not say where it came from, given that Morgan had been shot only in the legs.

73. FARDC soldiers put Morgan into the back of a pickup truck, along with other injured individuals. The convoy drove east, stopping briefly in Mambasa to drop off the wounded.[20] During the trip, Morgan received minimal first aid in the form of two crude tourniquets to his legs. The FARDC convoy reached the MONUSCO base at Komanda at approximately 3 p.m., roughly three and a half hours after the shooting.

74. According to a MONUSCO medical officer, Morgan was barely alive on arrival at Komanda. MONUSCO medical staff provided medical care, but Morgan died shortly after arrival, before a MONUSCO helicopter could evacuate him to Bunia.[21]

75. Based on analysis by the Group of photographic and video evidence, in addition to interviews with FARDC and MONUSCO officials, the Group believes that a flawed plan to extract Morgan from the bush resulted in a disproportionate use of force during Morgan's arrest, ill-treatment during his transfer and negligence in treating his wounds. The Group concludes that Morgan's death has had several negative consequences, including stopping the surrender of the rest of his followers and preventing the release of women and children in the custody of his group. It may also obstruct the disarmament, demobilization and reintegration process in the rest of Ituri district by sending out a message that negotiations with FARDC cannot be trusted.

76. FARDC and MONUSCO officials told the Group that, since his death, Morgan's followers have regrouped and may have elected a new leader. The Group

[20] General Fall told the Group that he was concerned that the local population in Mambasa would attack Morgan, which is why he did not leave him there with the other wounded.

[21] MONUSCO refused to provide the Group with information about its treatment of Morgan's injuries because of a continuing investigation.

continues to investigate the circumstances of Morgan's death and the activities of his former group.

IV. Natural resources

A. Minerals certification

Regional certification mechanism in the Kivus and in Rwanda

77. The regional certification mechanism is one element of the Regional Initiative on Natural Resources of the International Conference on the Great Lakes Region. The mechanism seeks to provide a uniform approach among countries in the region to undertaking supply chain due diligence for cassiterite, wolframite, coltan[22] and gold. The mechanism requires individual States to conduct mine site inspections, ensure an adequate chain of custody management, certify mineral export shipments and share information with the secretariat of the Conference.

78. The Democratic Republic of the Congo launched its certification programme on 20 January 2014, making it the second country to use this process, after Rwanda, which issued the first certificate on 5 November 2013. The certificate of the Conference replaces the "certificate of origin" previously used in the Democratic Republic of the Congo. Between February and mid-May 2014, four certificates were issued in South Kivu Province for exports from the Kalimbi mining site, where cassiterite is produced. Those certificates were issued to two comptoirs: Willem Minerals Company (formerly known as World Mining Company), which made three exports to Luxembourg, and Bakulikira Nguma, which made one export to Malaysia. In North Kivu, the Government issued two certificates to Mwangachuchu Hizi International, each for the export of 24,750 kg of coltan from Rubaya to Hong Kong (see annex 29). On 20 May 2014, the Government of Rwanda told the Group that since November 2013 it had issued 15 certificates.

79. The progress in the issuance of certificates in the two countries notwithstanding, in general there remains a lack of progress on implementation of the Regional Initiative on Natural Resources. In April 2014, the Group visited the secretariat of the International Conference on the Great Lakes Region in Bujumbura and learned that the regional mineral tracking database, defined by the Conference as a tool "to track and balance the production, purchases and exports of exporters, mines, mining regions and member States", failed to reflect the information. The Group also confirmed that an auditor accredited by the Conference had not assessed the national mining mechanisms in the Democratic Republic of the Congo and Rwanda; the Group therefore concludes that, in the absence of a third-party audit, the secretariat of the Conference cannot confirm whether certified mining sites in the two countries meet all the requirements of a certificate.

80. The Group discussed the status of the regional certification mechanism with various stakeholders, including senior officials in the Democratic Republic of the Congo, international partners and representatives of civil society organizations and of the Conference. The Group concludes that the lack of progress is the result of a

[22] The Democratic Republic of the Congo contains large deposits of cassiterite, wolframite and coltan. They are transformed into tin, tungsten and tantalum, respectively, which are commonly known as the "3 Ts".

combination of structural weaknesses in the secretariat of the Conference and a lack of political will among member States, and may be contributing to a continuation of the smuggling through neighbouring countries, which was documented in the reports of the previously mandated Group (see S/2014/42, paras. 189, 195 and 219, and S/2012/843, paras. 163, 178 and 180). To address its structural weakness, the Group learned that the Conference is seeking to improve the mechanism by having created, in April 2014, a specific natural resources unit at its secretariat in Bujumbura. The Group will continue to monitor the implementation of the mechanism and its impact on confidence-building among the member States and efforts against smuggling.

Mining site validation

81. In April and May 2014, the Group visited North and South Kivu Provinces to investigate mining site validation. The Government of the Democratic Republic of the Congo uses the colour-based validation scheme defined in the guidance of the Organization for Economic Cooperation and Development and the regional certification mechanism. According to this scheme, a certificate for mineral exports can only be issued to a "green" mine that has met all international standards, including that there should be no armed group present, no child labour and no pregnant women working at the site. A mine is designated "yellow" when infractions are found. A "yellow" mine can still export certified minerals, but has six months to correct the infractions. No minerals can be officially exported from a "red" mine, which is a site where grave infractions are found. The conditions for a change of colour vary. For the International Conference on the Great Lakes Region, the mine should remain "red" for a minimum of six months until a further inspection determines if the infractions have been resolved. For the Government, a new inspection can be organized at any time, if the problem has been resolved.

82. To date, the Government of the Democratic Republic of the Congo has validated 39 mining sites in North and South Kivu where cassiterite, wolframite, coltan or gold is produced.[23] Of them, 25 are "green", 2 are "yellow", 10 are "red" and 2 remain unclassified (see annex 30).

83. The validation system is just one of the conditions for an official export licence for minerals and gold from a particular mining site. The other crucial element is the presence of supply chain management. In the Kivus and in other provinces, however, there is no such system for gold. For example, in Ituri district, the Group found that the two official gold comptoirs — Métaux Précieux and Cut Congo Mining and Exploration SPRL — had been unable to export officially since the certificates issued by the International Conference on the Great Lakes Region became compulsory, because there are no validated artisanal gold mines in Orientale Province, which includes the Ituri district. As a result, the Centre d'expertise, d'évaluation et de certification cannot issue certificates authorizing the comptoirs to export gold. The situation is unsustainable for the comptoirs and further encourages smuggling to Uganda, as documented in the final report of the previously mandated Group (S/2014/42, para. 174).

[23] The Group has not yet been able to investigate the additional mine sites qualified in Katanga and Maniema.

84. For the other minerals, the only system used is "bagging/tagging" operated by the International Tin Research Institute. Known as the International Tin Research Institute tin supply chain initiative, it has three components: chain of custody data collection (traceability), risk assessment and independent third-party audits. The Group notes that because it is the only system in place, buyers will only purchase minerals from mine sites certified by the initiative. Mining authorities and representatives of mining companies told the Group that they favoured having alternative options to that system.

B. Minerals

Rubaya

85. In its final report, the previously mandated Group reported on the resolution of the conflict between Mwangachuchu Hizi International, which has title to the Rubaya mining area, and the Cooperamma collective, which organizes the miners at the sites in Rubaya (S/2014/42, para. 203, and annex 31 to the present report). Since the beginning of its mandate, the Group has noticed additional progress at Rubaya, although challenges remain.

86. During a visit to Rubaya in May, the Group saw no evidence of any armed group or FARDC around the mining sites. The Group discussed the status of operations with diggers and *négociants*, who all welcomed being part of an official site from which coltan can be legally exported. Exports were just 9 tons in February, but in March, when tagging began, they rose to 59 tons and then more than doubled in April to 129 tons.

87. Progress at Rubaya notwithstanding, the Group identified some outstanding problems. The traceability system requires two tags to be placed on each bag of minerals — one for the mine and one for the *négociant* (see annex 32). The Group noticed, however, that some minerals produced at the Rubaya Luwowo mine were tagged not in situ, but in and around Rubaya (see annex 33). The situation makes it possible for minerals from other sites to be mixed in with the Rubaya minerals before being tagged. A second problem is that the *négociant* tags are not affixed in Rubaya, but in Goma at the office of Cooperamma. Again, there is potential for non-Rubaya minerals to be entered into the supply before tagging. The Group has discussed the issues with the management of Mwangachuchu Hizi International and will continue to monitor progress at the site.

Ngungu

88. In April and May 2014, the Group investigated reports that FARDC soldiers were involved in mining near Ngungu in Masisi territory, which is prohibited by the national mining code, Organization for Economic Cooperation and Development guidance and the protocol of the International Conference on the Great Lakes Region. Local leaders, police and administrators told the Group that, in February 2014, about 15 soldiers came to the Rwangara mine (itself an illegal mining site), established a camp 1 km away and sometimes visited the mine to force people to work for them. The Group visited the site in April and, while no soldiers were present, confirmed the location of the camp (see annex 34). The Group continues to investigate the case.

Seizures

89. In its final report, the previously mandated Group documented cases of seizures of minerals being smuggled from the Democratic Republic of the Congo into Rwanda (see S/2014/42, paras. 214-218). Since then, the Congolese authorities have told the Group that there has been one seizure of coltan in Goma, in December 2013, and two seizures of cassiterite in Bukavu in April and May 2014 (see annex 35). On 20 May, the Government of Rwanda told the Group that, since November 2013, "no minerals have been seized [by Rwandan authorities] coming from DRC".

C. Gold smuggling in Uganda

90. In its final report, the previously mandated Group noted that Uganda remained a major transit point and trading centre for gold from the Democratic Republic of the Congo, but that nearly all that gold was illegally traded and smuggled out of Uganda (see S/2014/42, paras. 182 and 183). Moreover, the Group noted that the owners of two sanctioned entities — Uganda Commercial Impex and Machanga Limited — remained the principal traders in Congolese gold in Kampala (see S/2014/42, paras. 184 and 185). The Group asked the Government of Uganda to respond to its findings, but did not receive a response before the deadline established for the present report (see annex 41). In April, Ugandan officials told the Group that, in 2013, 84.78 kg of gold had been officially exported, lower than suggested by the data provided by Uganda to the previously mandated Group in 2013 (see S/2014/42, annex 71, and annex 36 to the present report). The officials also told the Group that there had been no official gold exports between 1 January and 31 March 2014.

D. Ivory

91. In its final report, the previously mandated Group documented the seizure by the Government of Uganda on 17 October 2013 in Kampala of 832 pieces of ivory weighing 2,903 kg (see S/2014/42, annex 107). The Ugandan authorities have shared additional information with the Group that links the ivory and the trafficker to the Democratic Republic of the Congo.

92. In December, a Ugandan lawyer initiated a claim on behalf of a Congolese businessman named Emile Kayumba Ogane, who listed his residence as Goma, North Kivu (see annex 37). Mr. Ogane claimed that the ivory belonged to him, that he was legally exporting it and that the Government of Uganda had wrongfully seized his property. The Group notes that the Convention on International Trade in Endangered Species of Wild Fauna and Flora, to which the Democratic Republic of the Congo and Uganda are both parties, prohibits the trade in ivory and that neither country had exemptions for export during 2012 or 2013.

93. To support his court case, Mr. Ogane submitted documents, including one dated 20 November 2012 and issued by the North Kivu division of the Ministry of the Environment, Conservation of Nature and Tourism, which authorized the export of 4,000 kg of ivory to "African countries for scientific research and protection of culture" (see annex 37). Athanga Pene Wila, then the division chief of the Ministry in Goma, had signed the authorization document. The new North Kivu division

chief of the Ministry told the Group that Mr. Wila had retired in December 2013 and added that such an authorization could be issued only by the Ministry in Kinshasa, not by the local division. The Ugandan court sided with Mr. Ogane, but the Government of Uganda has appealed against the decision. The case was pending at the time of writing of the present report.

94. The letter from Mr. Ogane's lawyer states that the ivory was shipped through the Bunagana border post. The M23 rebel group controlled the Bunagana border post between June 2012 (before Mr. Ogane received his export licence) and 30 October 2013, after Mr. Ogane's ivory was seized in Uganda (see S/2014/42, paras. 15 and 34). While the evidence suggests that Mr. Ogane sent the ivory through Bunagana at a time when M23 controlled the border post, the Group continues to investigate the case and will follow up on the next decision of the Ugandan court.

95. The Government of Uganda told the Group that it had made another major seizure of ivory on 20 December 2013 at Entebbe International Airport. In that case, government agents discovered that 14 boxes labelled as personal goods actually contained 440 pieces of raw ivory, 372 pieces of polished ivory and 15 pieces of rhino horn. The boxes were to be flown to Lagos, Nigeria, via Addis Ababa, and then to Malaysia. The Government of Uganda has also made additional seizures of ivory and other animal products (see annex 38).

V. Recommendations

96. **Member States of the International Conference on the Great Lakes Region should submit on a monthly basis a comprehensive list of imports, production and exports of cassiterite, wolframite, coltan and gold to the International Conference on the Great Lakes Region for inclusion in its regional database.**

97. **The Government of the Democratic Republic of the Congo should investigate the illegal export of the ivory that was seized in Kampala in October 2013 and prosecute those who killed elephants to acquire the ivory, authorized its export and shipped it to Uganda.**

98. **The Government of Uganda should:**

(a) **Conduct a survey of all M23 ex-combatants and political cadres, including demographic information, and provide the results to the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo;**

(b) **Clarify the rules governing the freedom of movement of M23 ex-combatants and political cadres in Bihanga, Bombo and Kampala and report thereon to the Committee;**

(c) **Report to the Committee on the measures taken to address gold smuggling by the owners of the sanctioned entities, Uganda Commercial Impex and Machanga Limited.**

99. **The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo should:**

(a) **Create an intelligence fusion cell based in Beni to develop evidence-based analysis on ADF and local armed groups and formulate grounded strategic and operational response measures (see annex 39);**

(b) **Offer technical assistance under the direction of the Force Explosives Safety Officer to FARDC on the safe removal and "render safe" process of dealing with improvised explosive devices and mines.**

Annex 1

Government of Uganda letter to the Security Council

United Nations S/2014/27

Security Council

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Letter dated 15 January 2014 from the Chargé d'affaires a.i. of the Permanent Mission of Uganda to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you a letter from the Minister of State for Foreign Affairs in charge of International Affairs of the Republic of Uganda, Okello Henry Oryem, in response to the recent report of the Group of Experts on the Democratic Republic of the Congo that has been leaked (see annex).

I will be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) John L. Mugerwa
Counsellor
Chargé d'affaires a.i.

14-00040 (E) 170114

Please recycle

Annex to the letter dated 15 January 2014 from the Chargé d'affaires a.i. of the Permanent Mission of Uganda to the United Nations addressed to the President of the Security Council

I write to you in response to the report authored by the Group of Experts on the Democratic Republic of the Congo that has been leaked. The leaked report contains baseless and fabricated allegations against my Government.

From 16 to 18 September 2013, the Group of Experts visited Uganda. Ready and willing to cooperate with the Group, the Government of Uganda went to great lengths to prepare for the visit. It arranged for the Group to meet and engage with a broad range of stakeholders. Field visits were organized and various pieces of information requested were provided.

However, the leaked report by the Group clearly demonstrates that the efforts made and information shared with it were disregarded. The report contains an old narrative making baseless and false allegations, circuitously questioning the credibility of information given to the Group by my Government. I will cite some examples.

On the Mouvement du 23 mars (M23), for example, in addition to the information provided to the Group, arrangements were made for the Group to meet and interview M23 combatants and also visit Luzira Government Prison to meet and interview interned M23 recruiters. Information was provided to the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo and the Group of Experts when M23 combatants fled to Uganda in November 2013. The Expanded Joint Verification Mechanism, of which the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo is a member, was also invited to verify their presence. However, the Group disregarded all this and instead chose to draw its conclusion from other sources. I must also add that the M23 combatants have been moved further away from the border area so that they do not constitute a threat to the Democratic Republic of the Congo. We expect that, with the conclusion of the Kampala talks, modalities will be finalized quickly to resolve the issue of these M23 combatants.

On the Allied Democratic Forces (ADF), substantial information was shared with the Group on the terrorist activities of ADF. The report underrates ADF terrorist links with Al-Qaida and its threat to the Democratic Republic of the Congo and Uganda. It does not give a full and true picture of the threat posed by ADF. It ironically draws no "conclusions", as it does elsewhere in the report for a group responsible for the rape and murder of over 20 people in Beni, eastern Democratic Republic of the Congo, as recently as December 2013.

On natural resources, information provided on the efforts undertaken by Uganda to curb smuggling, promote awareness and regulate the sector to facilitate the implementation of the International Conference on the Great Lakes Region regional traceability mechanism was ignored. The Group also ignored information shared with it in relation to the closure of the border at Bunagana, where restrictions put by the Government still apply, as the Uganda side of the border is still closed. The Group was provided with information regarding ivory seizures at the time of its visit and information on national and regional efforts undertaken to curb all trade in ivory. This was ignored.

It is important to emphasize that the Group was not only provided with information during and after its visit, but it was fully aware of the readiness of Uganda to engage with it through the relevant focal points in the Ministry of Foreign Affairs and the Permanent Mission in New York. Regrettably, the Group did not share this information and it is not the first time this has happened. In its report of July 2013, while the Group annexed the letter written by the Prime Minister of Uganda dated 23 October 2012, it did not annex his letter of 12 November 2012, which contained the detailed response of the Government of Uganda to the specific allegations contained in the Group's final report of November 2012. This is an important record that should be put right.

It is difficult to understand why the Group came up with falsehoods and misconceived conclusions against Uganda in this way. The recommendations related to Uganda in the report are pointless and should be ignored. The report clearly fails to acknowledge political realities on the ground, including the unwavering efforts of Uganda in pursuit of peace, stability and security in eastern Democratic Republic of the Congo.

Finally, the work by the Group of Experts is lacking in objectivity, impartiality and transparency. The Group's work method even denies Uganda a right of reply. We question its motives and the reasons for the constant leaks of the Group's report. The report in our view is obstructive in the ongoing efforts of the region, the Security Council and the wider international community in bringing peace and stability to the Democratic Republic of the Congo. I hope that this experience, which is not the first, will provide lessons for the Security Council and its sanctions committees on the working methods of the Group of Experts.

I would be grateful if this letter could be circulated to the members of the Security Council at the earliest opportunity so that it can inform the members of the Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, who will be discussing the report.

(*Signed*) Okello Henry **Oryem**
Minister of State for Foreign Affairs
International Affairs

Annex 2

Group of Experts response to the Government of Uganda

The Group of Experts on the Democratic Republic of the Congo (DRC), extended pursuant to Security Council resolution 2136 (2014), expresses appreciation to the Government of Uganda (GoU) for its comments on the 2013 final report of the Group of Experts on DRC (S/2014/42), as contained in its letter dated 15 January 2014 addressed to the President of the Security Council (published as Council document S/2014/27).

The current Group wishes to acknowledge the support the last Group received during 2013 from the GoU, including during official visits.

In its 15 January 2014 letter and annex, the GoU commented on a leaked version of the last Group's final report. The leaked version was not the final version of the report, and did not include annexes, which contained documents and other evidence supporting the Group's findings. The Group has expressed its concerns to the 1533 Committee about the fact that its reports are routinely leaked before they are finalized and officially published, and sincerely hopes that leaks will not take place in the future. The Coordinator conveyed the final version of the Group's report on 22 January 2014 to the President of the Security Council, and the report was published on 27 January 2014 (S/2014/42).

On M23, the GoU wrote that the last Group "disregarded" information provided to it. While acknowledging the GoU position, the current Group disagrees with this assessment. Furthermore, the current Group wishes to make the following additional points. The GoU notes that it facilitated a visit by the Group to Luzira prison to interview alleged M23 recruiters; however, the Group determined that their testimonies failed to corroborate the allegations made by the GoU. In addition, the GoU presented 12 individuals to the Group that it claimed were M23 combatants; however, questioning of the first interviewee established that the individuals fled to Uganda in March 2012, prior to the start of the M23 rebellion. Finally the Group identifies that the 2013 mid-term report specifically welcomed efforts made by the Ugandan government to tackle the issue of recruitment by M23 on its territory (S/2013/433, paras. 32, 39).

The GoU wrote that last Group's final report "underrates ADF terrorist links with Al-Qaida and its threat to the Democratic Republic of the Congo and Uganda. It does not give a full and true picture of the threat posed by ADF". The current Group notes that the last Group found no evidence supportive of an Al-Qaida link. Moreover, the last Group did not receive any such evidence from the GoU despite requests in writing and orally during official visits. In verifying possible linkages, the Group also consulted UN panels for Somalia and Al-Qaida, who stated they had no evidence of ADF's links to either Al-Shabaab or Al-Qaida (S/2014/42, para. 72). The current Group believes that the 2013 final report provides an accurate picture of the actions and capabilities of ADF. Specific to the threat represented by ADF, the last Group documented numerous crimes committed by ADF, including kidnappings, killings, attacks on medical facilities, and attacks on MONUSCO peacekeepers.

On natural resources, the GoU claims the last Group ignored information presented to it about ivory seizures, notwithstanding the Group's highlighting of

GoU's noteworthy seizures of ivory during 2013 in both its final report (S/2014/42, para. 237; annexes 106-107) and interim report (S/2013/433, para. 199; annex 86).

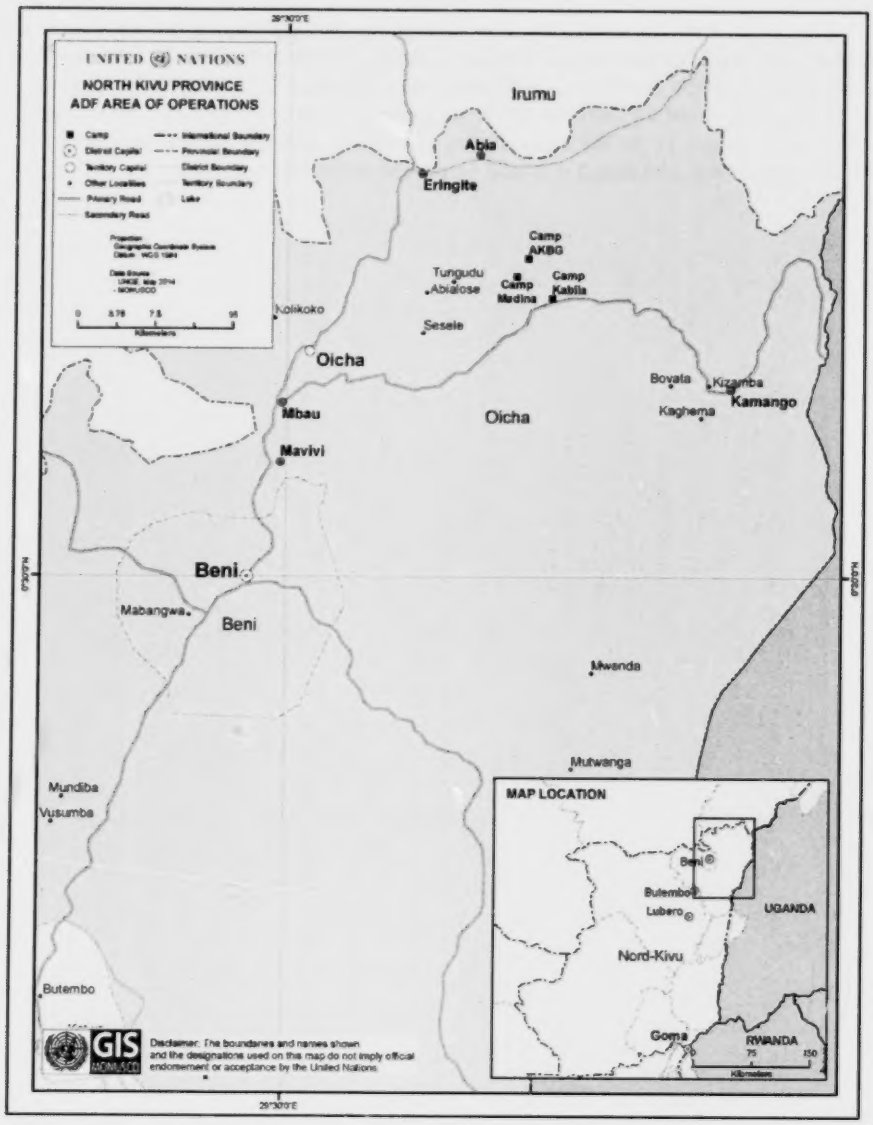
GoU also stated the Group did not acknowledge information about due diligence efforts. The current Group believes that the last Group's report accurately reflected the failure of the Ugandan government to address gold smuggling in Uganda, including smuggling by the former owners of two sanctioned entities (S/2014/42, paras. 182-188; annexes 71-73).

The GoU also criticized the last Group for not publishing as an annex a statement by the Ugandan Prime Minister, dated 12 November 2012. The current Group notes that the last Group published an eight-page letter from the Ugandan Prime Minister, dated 23 October 2012, as annex 1 of the Group's mid-term report (S/2013/433, annex 1). In the same annex, the Group acknowledged receipt of the 12 November letter, and stated it would be placed in the UN archives.

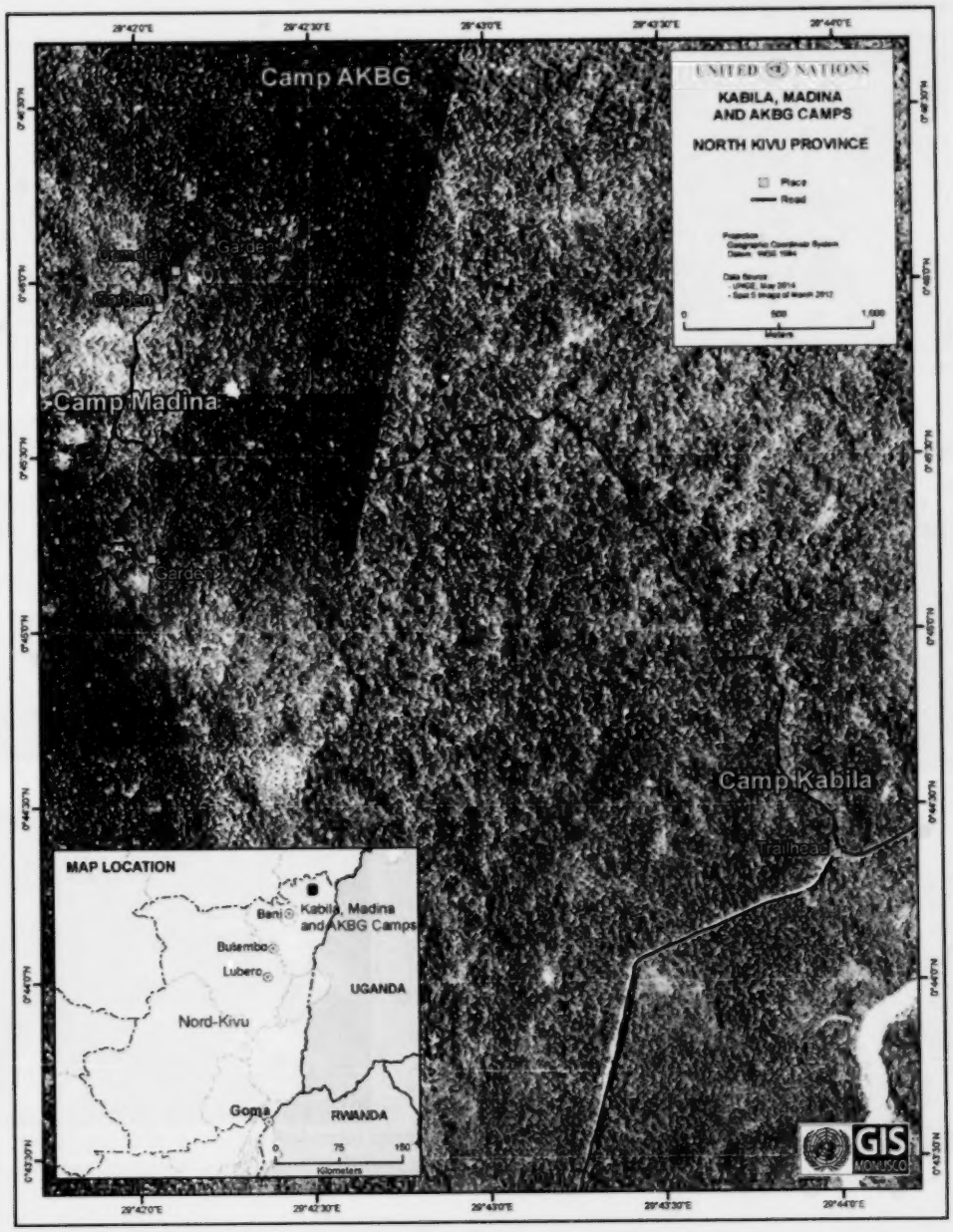
Annex 3

ADF-related maps

This map, created by MONUSCO's GIS section in Goma, shows the area of FARDC operations against ADF. Three ADF camps are identified: AKBG, Madina, and Kabila.



This map, created by MONUSCO's GIS section in Goma, shows the routes between camps, as recorded by the Group during its visits to camps Kabila (17 and 22 April, 8 May), Madina (17 and 22 April, 8 May), and AKBG (8 May).



Annex 4

ADF IEDs (photos taken by the Group)

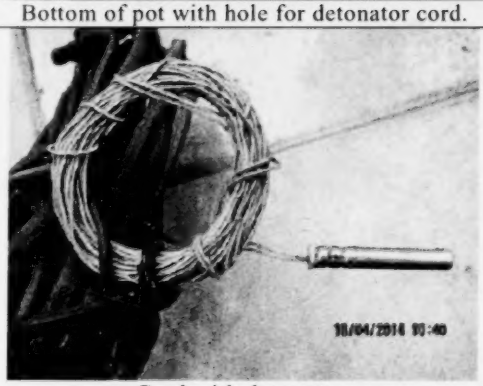
IED components, photographed in Kinshasa, 16-17 April 2014

Explosive (left), pot and command wiring (top), and bullets and fragments (center).

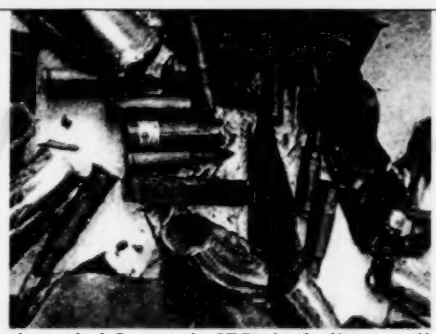
Explosive.

Bottom of pot with hole for detonator cord.

Top of pot.

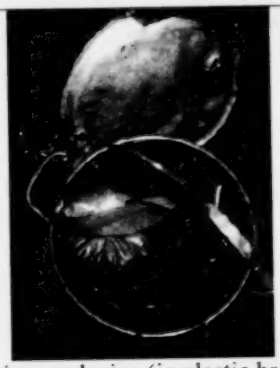


Cord with detonator.

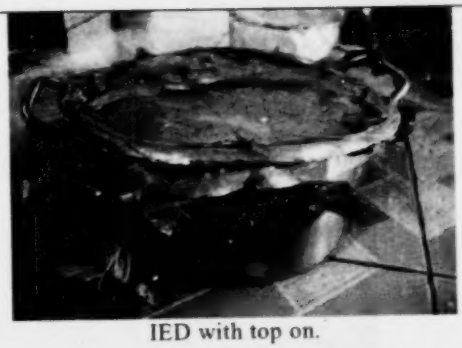


Scrap intended for use in IED, including small arms ammunition, cartridges, batteries, and pieces of metal.

IED 1, photographed in Beni, 24 April and 9 May

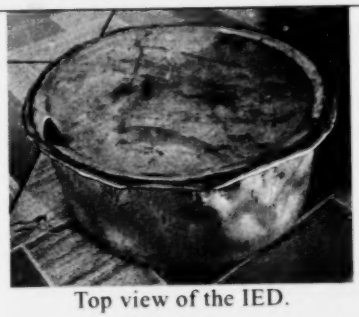


Top view, showing explosive (in plastic bag) and contents.

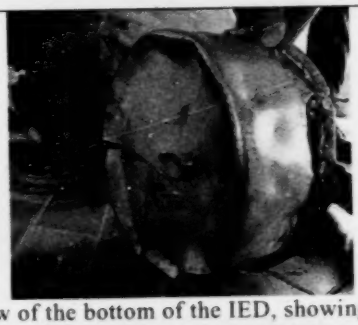


IED with top on.

IED 2, photographed in Beni on 9 May



Top view of the IED.



View of the bottom of the IED, showing the command wire entering the pot.

Suspected ANFO or ANAL explosive mixture.

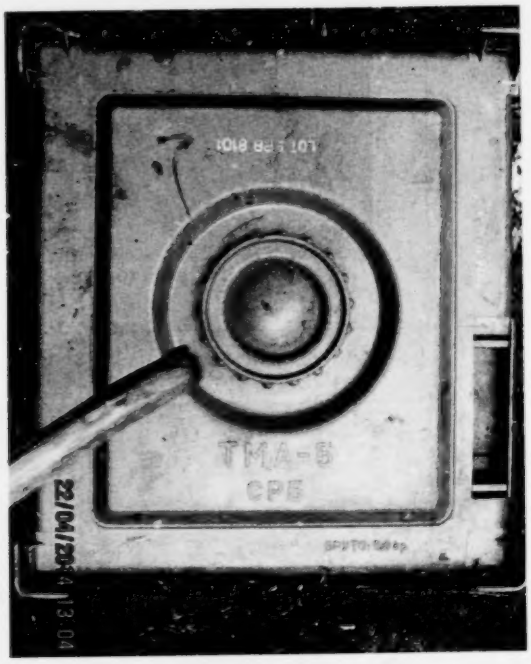
IED showing pieces of S8 rocket material.

Fragments from suspected S8 Rockets used by FARDC Mi24 Attack helicopters on Camp Madina.

S8 Rockets observed in Madina Camp.

Annex 5

TMA-5 mine casing (photo by the Group)

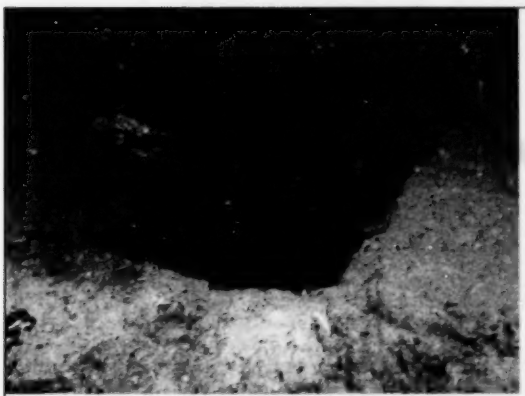


The Group found this case for a Yugoslav-made TMA-5 anti-tank mine on 22 April at the Madina camp.

Annex 6

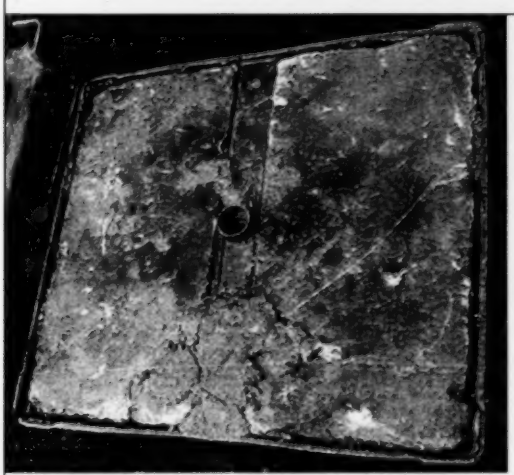
ADF arms cache and mines

FARDC found an arms cache in mid-May 2014 near the town of Abia, which included TMA-5 anti-tank land mines, and a variety of arms, most of which the Group deemed inoperable. The Group also noted the near complete lack of ammunition for the weapons in this cache.

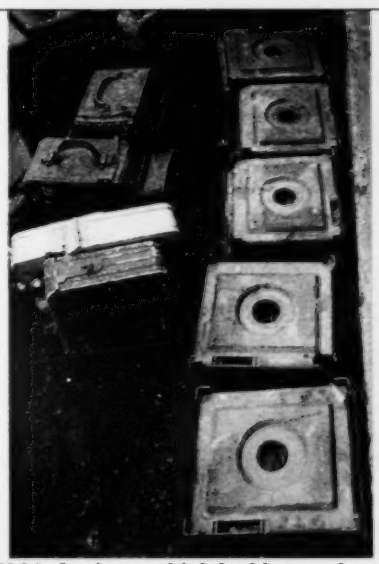


Hole from which FARDC recovered arms; according to FARDC, they were likely ADF arms (photo by FARDC).

View of the mines shows the green casing, similar to what the Group found in Madina camp (photo by FARDC).

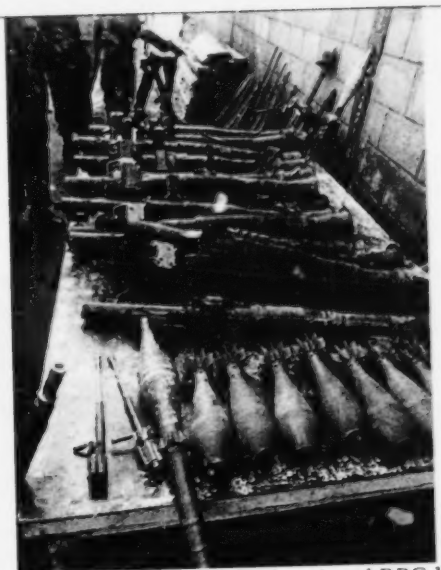


Close-up of one TMA-5 mine, showing the explosive charges on both sides. FARDC had relocated the mine to Beni (photo by the Group).

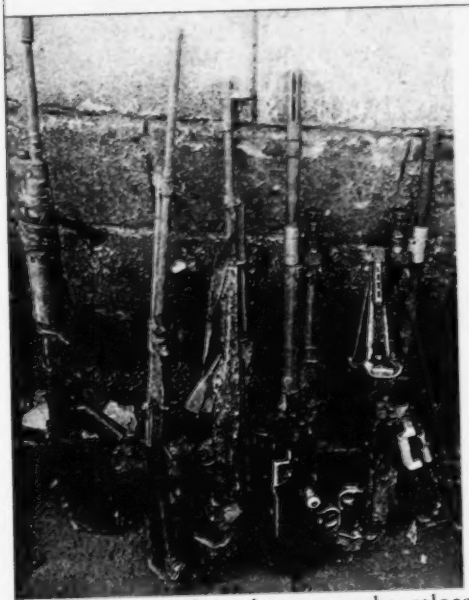


The five TMA-5 mines, which had been relocated to the FARDC base in Beni (photo by the Group).

Mortars, showing neglect, that were taken from the alleged-ADF arms cache (photo by FARDC).



Mortar rounds (without fuzes) and RPG launchers, relocated by FARDC to Beni (photo by the Group).



Five small arms from the arms cache, relocated to the FARDC base in Beni (photo by the Group).

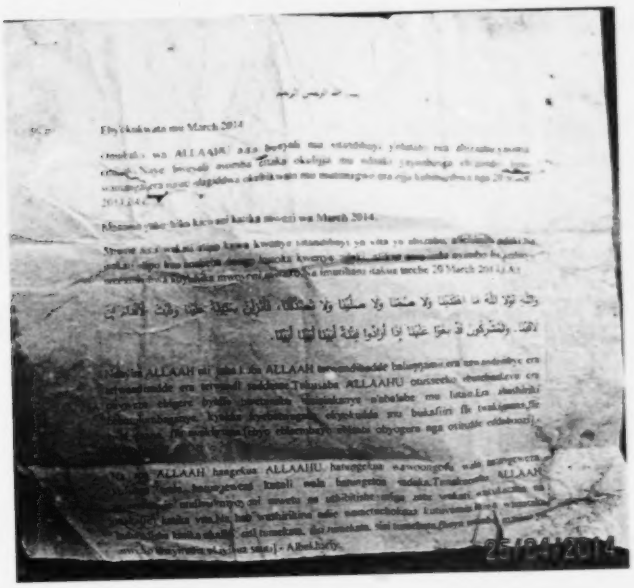
Small arms taken from the arms cache. and relocated to FARDC's base in Beni (photo by the Group).

Annex 7

ADF documents

1. Mixed language document from Madina camp

On 22 April 2014, the Group recovered this document in a bunker inside a building identified by FARDC as a prison. The Swahili translation is by a MONUSCO officer; the Arabic translation is by the UN Secretariat.



Top (Arabic):

In the name of God, the Merciful, the Compassionate

Second part (Swahili):

Lessons to remember for the month of March 2014

When the prophet a.s.s was waiting to go to war, he dug caves and as he was carrying the soil from the caves, he was singing these songs that you have been ordered to memorize and keep in your heart. The test is coming on 20 March 2014. I.A.t.

Third part (Luganda):

[The Group lacks the means to translate Luganda.]

Fourth part (Arabic):

By God, were it not for God, we would not have been guided, would not have fasted, would not have prayed, would not have given alms; so bestow your serenity upon us, and make our feet firm when we come face to face [with the enemy]. The

polytheists have turned against us; if they want discord, we reject it, we reject it, we reject it![24]

Fifth part (Swahili):

And here ALLAAH would have not been ALLAAH if we were not faithful or we would have not been able to fast, pray or give our offerings. We pray to you ALLAAH that you may bring peace in our hearts and answer our prayers when we meet with the sinners in the war. These sinners are the ones attacking us. If they want to make us sinners, we refuse, we refuse and we refuse. [You raise your voice when repeating these three last words]

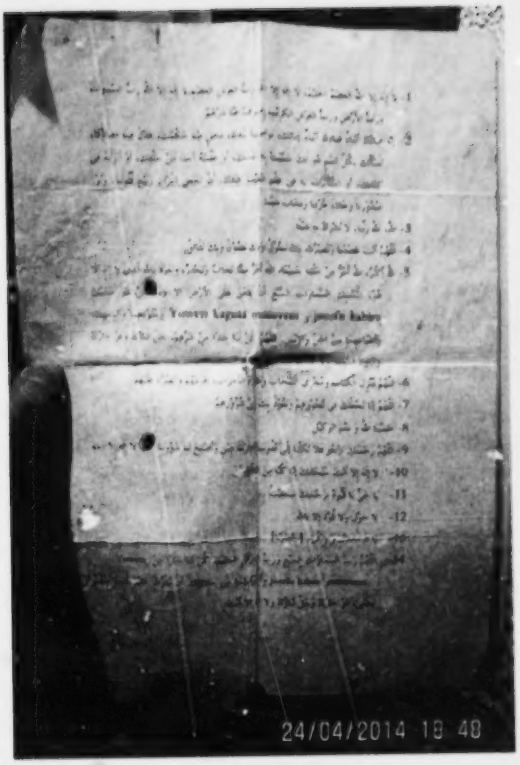
Sixth part (Luganda):

[The Group lacks the means to translate Luganda.]

2. Arabic document

The Group photographed this undated document, which FARDC stated it had recovered from ADF positions, on 24 April 2014 in Beni. The UN Secretariat translated the document. The Group wishes to point out that while the document refers to Joseph Kabila and Yoweri Museveni, it does not mention other leaders, foreign groups, or governments.

[24] *Translator's note*: this is a prayer traditionally attributed to the Prophet Muhammad.



Translation as it was received by the Group from the UN Secretariat:

1. There is no god but God, who is mighty and forbearing. There is no god but God, lord of the exalted throne. There is no god but God, lord of the heavens, lord of the Earth, lord of the noble throne; avert from us their evil.

2. We are your servants, the sons of your servants, the sons of your handmaidens. Our forelocks are in your grasp, your command is binding upon us, and your judgment is justice to us. We beseech you by all of the names you have called yourself, and by all of the names that you have taught to your creatures, or revealed in your Book, or kept to yourself in the unseen world, to make the Koran a springtime for our hearts and a light for our chests, to lift our sorrows and dispel our grief.

3. God is our lord, and we worship none besides Him.

4. O God, you are our support and our succour. It is through you that we move, through you that we pounce, through you that we fight.

5. God is greatest. God is mightier than all of His creation. God is greater than all that we fear. We seek refuge with God — you who are the only God, who holds up the seven heavens lest they fall onto the earth except with your permission — from the evil of your two servants, Jozefu Kabira and Yoweri Kaguta Museveni, and their soldiers, followers and partisans among the spirits and humanity. O God, protect us from their evil, exalted is your praise, great is your protection, blessed is your name; there is no god but you.

6. O God, revealer of scripture, bestower of clouds, subduer of hosts: defeat them and let us prevail over them.

7. O God, we set you at their throats and we seek your help from their evil.

8. God is enough for us, and he is the best guardian.

9. O Lord, we beseech your mercy. Do not leave us to ourselves for the blink of an eye. Make our workings successful; there is no god but you.

10. There is no god but you. Almighty are you; we are wrongdoers.

11. O living one, o everlasting one; we appeal to your mercy.

12. There is no power and strength save in God.

13. O glorious and generous one, come to our aid.

14. O God, lord of the seven heavens, lord of the exalted throne, protect us from Yoweri Museveni and Josefu Kabila and their partisans among creation, lest any of them should fall upon us. Great is your protection, exalted is your praise; there is no god but you.

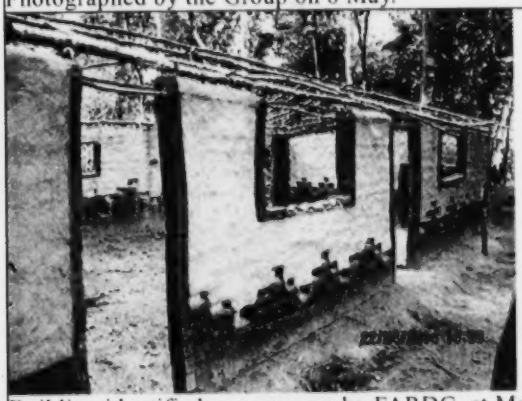
Annex 8

ADF camps

The Group visited three former ADF camps: Kabila, Madina, and AKBG. The dates of the visits were 17 April, 22 April, and 8 May. At these camps, the Group found no evidence of links to foreign groups such as Al-Shabaab or Al-Qaida.

Entrance to a part of Madina camp that FARDC told the Group was the compound of Jamil Mukulu. Photographed by the Group on 8 May.

The "parade ground" at Madina camp, photographed by the Group on 22 April.



Building identified as a mosque by FARDC, at Madina camp. Photographed by the Group on 22 April.

Interior view of a building identified by FARDC as a mosque, at Madina camp. Photographed by the Group on 22 April.

Wooden objects of unknown purpose. The Group found numerous such objects inside buildings FARDC identified as mosques. The Group also found other, similar wooden objects that were decorative, or had been used as tools. This Group took this photo on 22 April in Madina camp.

Entrance to bunkers that appear to have been constructed as air raid bunkers, at Madina camp. The Group identified such bunkers at Madina camp but did not see evidence of them at Kabila or AKBG camps. The bunkers appear to have been recently constructed. The Group also identified other underground bunkers that appear to have been used for storage, or as holding cells for prisoners. The Group took this photo on 22 April.

The Group found artwork inside and outside many structures at Madina camp. This photo, taken by the Group on 8 May, includes the words "Show me love".

Another example of artwork at Madina camp. The Group took this photo on 22 April.

One of three gardens near Madina camp identified by the Group. This garden was located between Madina and AKBG camps. The Group took this photo on 8 May.

FARDC told the Group this area of disturbed ground just north of Madina camp was a cemetery, where ADF had buried people killed during combat. The Group took this photo on 8 May.

View of a structure at AKBG camp. The Group took this photo on 8 May.

Area at AKBG camp identified by FARDC as the cemetery for four ADF combatants killed defending the camp. The Group took this photo on 8 May.

Annex 9

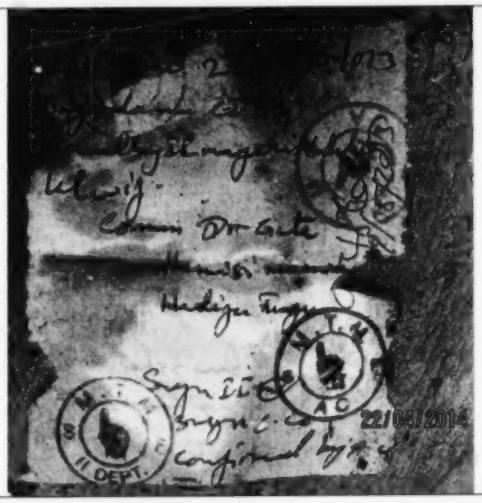
ADF departments

The Group has identified stamps on various administrative documents, which appear to represent ADF's different departments. The Group believes the "M.T.M." at the top of the stamp stands for Madinat Tawheed Muwaheedina, which is another name for ADF's Madina camp. The Group has not determined the meaning of the "S" or the "F" on the sides of the stamps. The Group is continuing to investigate the meanings of the letters and words at the bottom of the stamps; however, the Group believes they are administrative departments of the ADF structure.

AC From a document recovered by the Group at Madina camp, 22 April 2014.	
II DEPT. From a document recovered by the Group at Madina camp, 22 April 2014.	
OA From a document recovered by the Group at Madina camp, 22 April.	
SV SCH. This stands for Salaf Victory School, based on documents found at Madina camp. From a document recovered by the Group at Madina camp, 22 April.	

COURT A From a document recovered by FARDC, reportedly at Madina camp, and photographed by the Group in Beni on 9 May.	
CCO From a document recovered by FARDC, reportedly at Madina camp, and photographed by the Group in Beni on 9 May.	
Unknown 1 The letters on this stamp are not clear, although "CTZN" are visible. The red ink is also unique to this stamp. From a document recovered by FARDC, reportedly at Madina camp, and photographed by the Group in Beni on 9 May.	

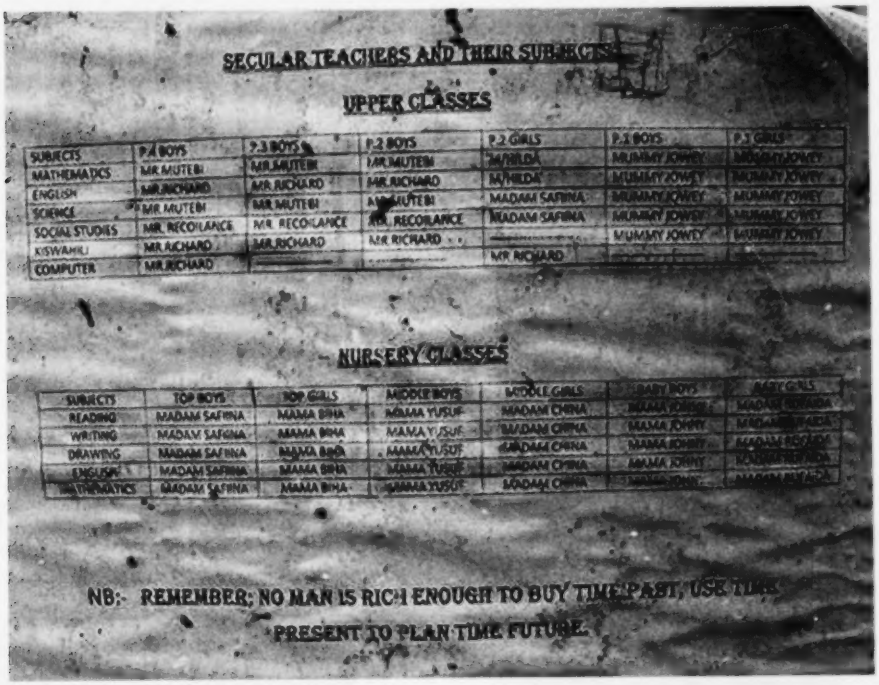
The following document is a mission order from 2013, and provides an example of an administrative document containing stamps. The document is in Swahili and English, and was recovered by the Group on 22 April in Madina camp. It is an authorization for three individuals to travel. "Bayendamu" appears to be the name of a village or camp, and CIBG is a known ADF camp. The order was allowed by II Dept., and "signed" by three "departments": II, CCO, and AC.

	Mission Order MO 2976 9/5/2013 Bayendamu CIBG Allowed by II Majidu Abdul (unknown word) Comm Dr. Gute Hamisi Munvu Hadiju Tungu Sign II Sign C.CO Confirmed by AC

Annex 10

ADF schools, hospitals, prison

ADF operated schools, hospitals and a prison. During its three visits to former ADF camps in April and May 2014, the Group recovered documents mentioning Salaf Victory Primary School and Salaf Victory Adult School, which were the names of ADF's schools. The Group also recovered additional documents relating to ADF's education system.


SECULAR TEACHERS AND THEIR SUBJECTS

UPPER CLASSES

SUBJECTS	P.4 BOYS	P.3 BOYS	P.2 BOYS	P.2 GIRLS	P.1 BOYS	P.1 GIRLS
MATHEMATICS	MR MUTEBI	MR MUTEBI	MR MUTEBI	MAHILDA	MUMMY JOWEY	MUMMY JOWEY
ENGLISH	MR RICHARD	MR RICHARD	MR RICHARD	MAHILDA	MUMMY JOWEY	MUMMY JOWEY
SCIENCE	MR MUTEBI	MR MUTEBI	MR MUTEBI	MADAM SAFINA	MUMMY JOWEY	MUMMY JOWEY
SOCIAL STUDIES	MR RECOLANCE	MR RECOLANCE	MR RECOLANCE	MADAM SAFINA	MUMMY JOWEY	MUMMY JOWEY
KISWAHILI	MR RICHARD	MR RICHARD	MR RICHARD	----------	MUMMY JOWEY	MUMMY JOWEY
COMPUTER	MR RICHARD	----------	----------	MR RICHARD	----------	----------

NURSERY CLASSES

SUBJECTS	TOP BOYS	TOP GIRLS	MIDDLE BOYS	MIDDLE GIRLS	BABY BOYS	BABY GIRLS
READING	MADAM SAFINA	MAMA BINA	MAMA YUSUF	MADAM CHINA	MAMA JOWEY	MADAM RUKIDA
WRITING	MADAM SAFINA	MAMA BINA	MAMA YUSUF	MADAM CHINA	MAMA JOWEY	MADAM RUKIDA
DRAWING	MADAM SAFINA	MAMA BINA	MAMA YUSUF	MADAM CHINA	MAMA JOWEY	MADAM RUKIDA
ENGLISH	MADAM SAFINA	MAMA BINA	MAMA YUSUF	MADAM CHINA	MAMA JOWEY	MADAM RUKIDA
MATHEMATICS	MADAM SAFINA	MAMA BINA	MAMA YUSUF	MADAM CHINA	MAMA JOWEY	MADAM RUKIDA

NB:- REMEMBER; NO MAN IS RICH ENOUGH TO BUY TIME PAST, USE TIME PRESENT TO PLAN TIME FUTURE.

The Group photographed the above schedule for the secular school system (Salaf Victory Primary School) on 22 April in the "parade ground" at Madina camp. It shows that "Upper Classes" for boys and girls covered six subjects: mathematics, English, science, social studies, Kiswahili, and computer. For the "Nursery Classes", the subjects were reading, writing, drawing, English, and mathematics.

Based on documents the Group analysed, as well as observations during visits to former ADF camps, the Group believes ADF operated at least three "hospitals" (which the Group determined are more accurately described as clinics given their size and scope): Madina, CIBG, and I.K. ADF also had a pharmacy at Madina camp.

The Group recovered documents with names of ADF's medical staff. In the above document, collected by the Group on 8 May at Madina camp, the rotational schedule for ADF medical staff include mention of "Nuru", who the Group believes is Nooh Moses a.k.a. Abubakar Noor, the director of health for ADF.

The Group also observed what FARDC stated was ADF's prison in Madina camp. The prison consisted of a long building with two large rooms. In each room, a dirt floor covered two separate underground bunkers. FARDC told the Group that one side was for female prisoners and the other side for male prisoners; however, the Group was not able to verify this claim. The Group did see signs of human habitation in the holes on the side of the prison identified by FARDC as the female prison.

Iron Maiden (a presumed torture device consisting of a cabinet with a spiky interior) recovered by FARDC at Madina camp. Photographed by the Group on 24 April in Beni.

The Iron Maiden at Madina camp, photographed by the Group on 17 April.

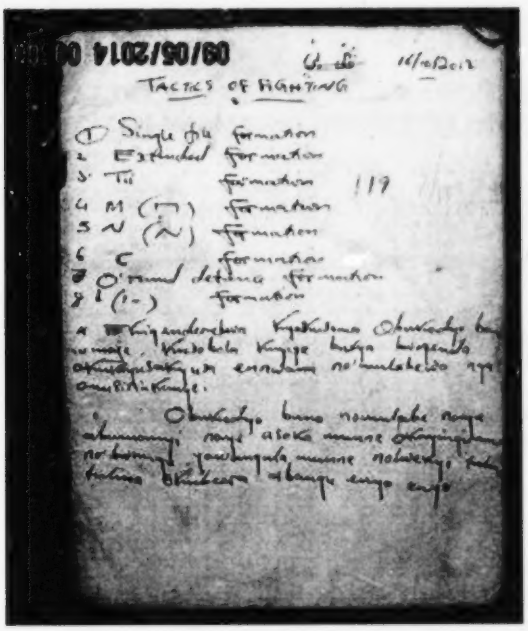
View of the "women's prison" at Madina camp, with holes leading to underground bunkers.

View of the entrance to the underground "men's prison" at Madina camp.

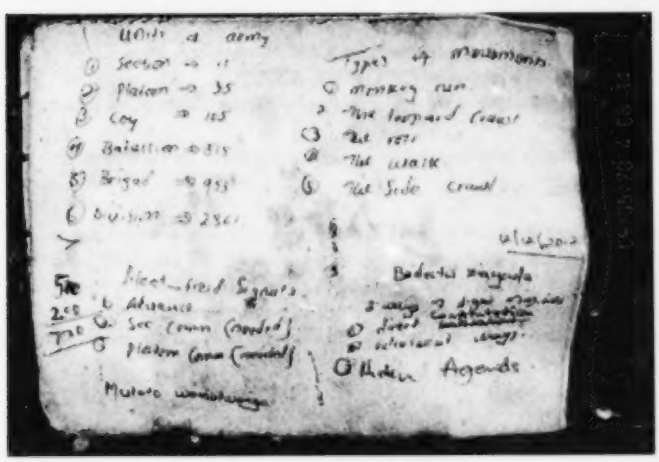
Annex 11

ADF military-related documents

The Group photographed the following documents on 9 May in Beni town. FARDC told the Group it had recovered the documents in former ADF camps. The Group did not find any documents suggesting links to foreign groups, such as Al-Shabaab or Al-Qaida. The Group recovered other documents mentioning weapons, but continues to analyse these documents.



The Group currently lacks the means to translate the Luganda sentences at the bottom of the document, above.

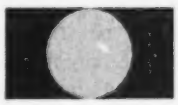


Annex 12

FDLR declaration, 30 December 2013

- FDLR -

FORCES DEMOCRATIQUES DE LIBERATION DU RWANDA
DEMOCRATIC LIBERATION FORCES OF RWANDA
URUGAGA RUHARAMIRA DEMOKARASI NO KUBOHOZA U RWANDA
Homepage: www.fdlr.org



DECLARATION OF THE DEMOCRATIC FORCES FOR THE LIBERATION OF RWANDA ON THE 30th DECEMBER 2013

We, the DEMOCRATIC FORCES FOR THE LIBERATION OF RWANDA (FDLR) :

Seeing that FDLR was founded on the 01st May 2000 as a freedom – fighters organisation, both political and military.

- Always concerned of contributing to the efforts of seeking peace in the region and continuously advocating pacific resolutions to conflicts.

Deeply convinced that the best ways of pacifically resolving a conflict is to tackle the genesis - root causes thereof rather than its effects and consequences.

Determined once more to witness to the whole world that FDLR combatants have been and are still peace makers.

Taking God for witness and before both history and Rwandan people.

WE SOLEMNLY DECLARE :

1.FDLR does not want war neither against DRC, nor MONUSCO nor RWANDA.

2.FDLR has never ceased to enrol for peace but has always encountered resistance , prejudices and misunderstanding. By way of illustration , let us recall :
-The quartering of more than 2500 FDLR's combatants at KAMINA Military Base in 2001 and the destruction of more than 1000 weapons in KINSHASA in 2002.
-Continual sollicitations as to hold an inter – Rwandan political dialogue, frank, sincere and highly inclusive.
- The ROME declaration of 31 March 2005 and the terms and conditions of its implemention of the 02nd April 2005.

3.Now, with the obvious will from the International Community as to restore regional peace by all means, FDLR dares hoping that the same International Community will now hear them out , as from now on. In this regard , **FDLR combatants have committed themselves to put down their weapons and rather undertake a political struggle.** For the needs of the present noble cause, FDLR humbly and heartedly requests help and support, from all the Heads of

African States, United Nations (UN), the African Union (AU), the European Union (EU), the SADC, the International Conference on the Great Lakes Region (ICGLR) as to assist them all along the process of implementing the present peace commitment.

4. Moreover, FDLR regrets the United High Commission for Refugees (UNHCR) decision related to the Cessation Clause with regard to Rwandan refugees, under assumptions that circumstances which had caused their respective flight have now ceased to exist. Additionally, FDLR salute both the insight and humanitarian sense of countries who were very reluctant as to implent the so - called Cessation Clause, and equally encourage other countries to follow that humanitarian example. FDLR is hereby pleading with the Government of the Democratic Republic of the Congo (DRC) , with UNHCR, with all humanitarian Non – Government Organisations (NGOs) to acknowlegde , protect and assist all the Rwandan refugees which had been neglected and abandonned to their own, sad and miserable fate and plight.

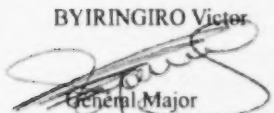
5. Furthermore, FDLR would love to convey its heartfelt gratitudes to DRC and Congolese people for the welcome and hospitality which have been reserved to Rwandan refugees since their arrival in 1994 up to date.

In conclusion, FDLR is equally thankful, to all who have contributed in one way or the other, to the organisation and realisation of the present meeting of Walikale, and hereby is conveying its best wishes for the New Year 2014.

MAY GOD BLESS YOU RICHLY.

Done in Walikale, on the 30th December 2013.

BYIRINGIRO Victor



Général Major
Président ai des FDLR

Telephone: +24 381 145 2213

Email:fdlrsrt@gmail.com or humura2020 @gmail.com

Annex 13

FDLR Rome Declaration, 31 March 2005

APPENDIX

- FDLR -
FORCES DEMOCRATIQUES DE LIBERATION DU RWANDA
DEMOCRATIC LIBERATION FORCES OF RWANDA
URUGAGA RUHARANIRA DEMOKARASI NO KUBOHOZA U RWANDA
Tel:0032 486022800 Email: fdrl@ngi.de
Homepage: www.fdlr.org

DECLARATION DES FORCES DÉMOCRATIQUES DE LIBÉRATION DU RWANDA (FDLR)

le gouvernement de la RDC sous la facilitation de la Communauté de Sant'Egidio,

- **Attendu** que tous les hommes sont égaux devant Dieu et devant la loi, et que le droit à la vie est un droit sacré,
- **Conscientes** de la situation humanitaire catastrophique que traverse la région des Grands Lacs depuis plus d'une décennie;

Interpellées par les souffrances indescriptibles auxquelles sont soumises des dizaines de milliers d'homme, de femmes et d'enfants que les guerres autant

- Nous, Forces Démocratiques de Libération du Rwanda, en sigle FDLR, réunies à Rome avec fratricides qu'inutiles a jetés hors de leurs foyers,
- **Soucieuses** de nous associer aux nombreuses initiatives de recherche de paix, de dialogue et de réconciliation dans la sous région;
- **Vu** que tous les peuples aspirent au respect effectif des droits et libertés tels qu'énoncés dans la déclaration universelle des droits de l'homme du 10 décembre 1948,
- **Convaincues** que les problèmes des Grands Lacs et en particulier les problèmes rwandais sont des problèmes politiques et requièrent donc des solutions politiques,

Devant Dieu, l'histoire et le peuple rwandais, déclarons solennellement :

1. Les FDLR s'engagent à cesser la lutte armée.
   Les FDLR décident désormais de transformer leur lutte en combat politique.
   Au fur et à mesure que les mesures d'accompagnement seront identifiées et mises en œuvre les FDLR acceptent le désarmement volontaire et le retour pacifique de leurs forces au Rwanda.
   D'ores et déjà elles annoncent qu'elles s'abstiennent de toute opération offensive contre le Rwanda.

2. Les FDLR condamnent le génocide commis au Rwanda et leurs auteurs.

Elles s'engagent à lutter contre toute idéologie de haine ethnique et renouvellent leur engagement à coopérer avec la justice internationale.

3. Les FDLR condamnent le terrorisme et les autres crimes de droit international commis dans la région des Grands Lacs. Et pour marquer leur ferme volonté à lutter contre toute forme d'impunité, elles demandent l'ouverture dans les meilleurs délais d'une enquête internationale pour qualifier ces crimes, identifier et punir leurs auteurs.

4. Les FDLR souhaitent le retour des refugiés rwandais dans leur pays selon les normes internationales dans la matière et dans le respect des droits et libertés de la personne humaine. Et en conséquence, elles s'engagent à s'impliquer activement dans le programme de leur retour volontaire selon les modalités à convenir avec le gouvernement de la RDC, le gouvernement du Rwanda et la communauté internationale.

En conclusion, en optant pour la lutte politique au détriment de la lutte armée, les FDLR expriment la ferme volonté à apporter leur concours à la résolution durable et pacifique des conflits non seulement au Rwanda mais aussi dans la région des Grands Lacs. Et pour ce faire, un espace politique leur est nécessaire.

Fait à Rome le 31 mars 2005
Pour les FDLR
Dr. Ignace Murwanashyaka
Président

Annex 14

Armed FDLR in Buleusa

These photos were taken in February 2014, and were posted on the Al-Jazeera website http://www.aljazeera.com/indepth/inpictures/2014/03/pictures-fdlr-rebels-dr-congo-201436836301833 75.html.

Annex 15

FDLR weapon storage in Buleusa

This photo was taken in February 2014, and posted on the Al-Jazeera website http://www.aljazeera.com/indepth/inpictures/2014/03/pictures-fdlr-rebels-dr-congo-20143683630183375.html.

Annex 16

FDLR e-mail, 23 February 2014

The Group blacked out the names of the DRC delegation because it was not able to contact all the individuals named to confirm their participation in this meeting.

On Sunday, February 23, 2014 9:32 AM, Umuryango Ubumwe <fdlrsrt@gmail.com> wrote:
On Saturday 22rd Feb 2014 at Buleusa north Kivu Goma took Place a meeting between FDLR Delegation which was mandated by FDLR President Gen maj. Victor Byiringiro namely [redacted]

The objective of the meeting was actually to ask FDLR to write a request to MONUSCO,FRDC and FIB asking them to (i)come and have all the weapons that FDLR lencently lay down (i)so that they can be destroyed ,(iii)to have all FDLR members and their dependents and be grouped into destined Competent barracks .

The Present meeting wasn,t succefull as anticipated ,as it got Obvious that this meeting had a strategic smart hiden agenda jointly master –minded by UN security council and Rwanda with intention to forcebly repatriate FDLR combatants (Freedom fighters).

The Representative of FDLR suggested that the initiative of FDLR of the 30th December 2013 according to Lusamambo declaration be implemented instead.

Additionally as maintained by FDLR delegation ,FDLR is more than willing to hand those laid down weapons to whosoever it may concern as long as Political dialogue take place between Rwanda and FDLR.
DRC delegation went back unhappy and said they would lather threaten of launching arms attacks on FDLR within 2weeks.

Please Ref to DDR/DDRRR this is what we see they are willing to do while we do Respect your genuine peace maker project
Be Blessed

Gen Maj Victor Byiringiro
The President ai FDLR

Annex 17

FDLR disarmament declaration, 18 April 2014

- FDLR -
FORCES DEMOCRATIQUES DE LIBERATION DU RWANDA
DEMOCRATIC LIBERATION FORCES OF RWANDA
URUGAGA RUHARANIRA DEMOKARASI NO KUBOHOZA U RWANDA
Homepage: www.fdlr.org

DEMOCRATIC FORCES FOR THE LIBERATION OF RWANDA

(FDLR)

Walikale, April the 18th, 2014

Her Excellency Madame Joyce BANDA, President of the Republic of MALAWI and Chairperson of SADC

His Excellency Mr Ban KI-MOON, Secretary General of the United Nations;

Her Excellency Madame Sylvie LUCAS, Chairperson of the UN Security Council;

His Excellency Mr Herman Van RUMPUY, Chairperson of the European Union Council

Her Excellency Madame Doctor Nkosazana Dlamini ZUMA, Chairperson of the African Union Commission;

His Excellency Mr Robert MUGABE, President of the republic of ZIMBABWE; Deputy-Chairperson of the African Union Commission and Deputy-Chairperson of SADC

His Excellency Mr Jose Eduardo DOS SANTOS, President of the republic of ANGOLA and Chairperson of International Conference for the African Great Lakes Region;

His Excellency Mr Joseph KABILA KABANGE, President of the Democratic Republic of the Congo (DRC)

SUBJECT: INVITATION TO WITNESS THE HANDING OVER OF WEAPONRY AND RELEVANT EX-COMBATANTS TO SADC

Your Excellencies

As sustained in their various recent communiqués and official letters addressed to international relevant authorities and institutions, the Democratic Forces for the Liberation of Rwanda (FDLR) as peacemakers would love to confirm it again today, that they took a unilateral commitment to lay down their weaponry and consecrate themselves to political struggle.

By ways and means of the "Unanimity Peace Offer Declaration" of 30th December 2013, FDLR as a politico-military organisation, whose combatants are exclusively freedom fighters, initiated a benchmark peace process, whose outcomes will fully depend on the good will of the international community, more particularly organisations and institutions which you represent, and of the solidarity of Heads of States mainly African, and your respective ability to make RPF-INKOTANYI Rwandan current regime to realise both the need and necessity of providing free, safe and secure physical and political space which for ages has been longed for by all Rwandans as a nation and more particularly by the whole Rwandan political opposition.

Your Excellencies

The present letter serves as an information to you as to come and witness live the handing over of FDLR's weaponry to the international African relevant authorities, namely SADC. The event in question is expected to take place at Bukumu Katoki in north Kivu and at Lukwasha in south Kivu same day on the 30th May 2014 in republic democratic of Congo (DRC).

Furthermore, inasmuch as FDLR has already laid down its weaponry and embarked on political struggle as from end of December 2013, FDLR would love to take the same opportunity and request a humanitarian assistance from SADC with regard to both legal and social protection of thousands of Rwandan refugee families (mostly women and children) who have been totally abandoned by the international community since 1996 up to date, but however, as they were under FDLR protection, have managed to survive by the grace of God while facing their daily miserable fate within the eastern DRC.

Additionally, FDLR would like to request a favour from SADC as it intends to commit all its ex-combatants under its (SADC) protection by means of quartering them in safe place under SADC management, until the wished and hoped for "inter-Rwandan political dialogue", frank, sincere and highly inclusive, between RPF-INKOTANYI current Rwandan regime and FDLR together with all Rwandan political opposition organisations will have taken place and have yielded substantial outcomes.

Your Excellencies

Finally, FDLR would love once more to reiterate its heartfelt convictions as to what only and only genuine political dialogue between Rwandan incumbent President-General Paul KAGAME and his political opposition, more particularly FDLR, which must be considered as unavoidable stake holder as far as Rwandan political issues are concerned, is the only efficient (and apparently sufficient) means of restoring peace and stability within the African Great Lakes Region, as on the one hand, it would obviously enable Rwandan refugees to voluntary repatriate back to their darling mother land, with respect and human dignity, and on the other hand, it would also prevent for good those perpetuating attacks of Rwandan troops on DRC.

Your Excellencies

While FDLR is looking forward to having all your support as to materialise the present noble endeavour for the needed and sooner restoration of peace and stability within the African Great Lakes Region, FDLR begs you once more please to accept its heartfelt expression of its highest consideration.

Walikale, April the 18th, 2014

BYIRINGIRO Victor

General Major
President ai des FDLR

Telephone: +24 381 145 2213
Email:fdlrvrt@gmail.com or humura2020 @gmail.com

cc

His Excellency Mr Herman Van RUMPUY, Chairperson of the European Union Council.

His Excellency Mr Emmanuel BAROSSO, Chairperson of the European Union Commission

His Excellency Mr Uhuru KENYATTA, President of the republic of KENYA and Chairperson of the East African Community

His Excellency Mr Jacob ZUMA, President of the republic of South Africa.

His Excellency Mr Armando Guebuza , President of republic of Mozambique

His Excellency Mr Hifikepunye Pohamba, President of republic of Namibia

His Excellency King Mswati III King of Swaziland

His excellency Mr Seretse Khama Ian Khama President of republic of Botswana

His Excellency Jakaya M. KIKWETE, President of the United Republic of Tanzania.

Annex 18

FCRL-UBUMWE press release, 13 January 2014

http://ps-imberakuri.net/fr/nouvelles/92-communique-de-presse-nd-00114crfclr-ubumwe-communique-de-presse-nd-00114crfclr-ubumwe.html

Parti Social Imberakuri

Justice, Amour et Travail

PARTI SOCIAL IMBERAKURI

Accueil | PS Imberakuri | Feuille de route | Devenir membre | Nous contacter

PRESS RELEASE N° 001/14/CR/FCLR-UBUMWE: THE FCRL - UBUMWE OFFICIALLY DECLARES ITS ACTIVITIES

Monday, 13 January 2014 11:30 | Written by PS-Imberakuri |

Like 5 people like this.

- Referring to the false allegations and the terrorist activities of the Kigali Government intended to silence the opposition, considering that any opposition voice is directly accused of genocide, enemy of the country and other crimes of that kind;

- Returning to the ongoing recruitment activities of the youth to strengthen the rebels of the M23 currently refugees in Rwanda and the fact that a lot of information confirm that the Kigali Government is planning to resume fighting's against the Congo claiming the presence of the FDLR in this country as it has always been the case since 2000 ;

- Returning to the fundamental rights of the human rights which are regularly flouted : no opposition party, no agency for the defense of the human rights or an independent press is authorized to exercise its activities officially, journalists and political leaders of the opposition parties inside and outside the country are either imprisoned, murdered, and/or persecuted ;

- Returning to the permanent injustice regularly inflicted to the population by the government especially through different discriminatory programs aimed to make the population disappear slowly by hunger or poverty (ex: the monoculture, the forced displacement of the population without expropriation, the disproportionate tax, vasectomy, discrimination in the granting of scholarships for the high schools and universities, the persecution in private entrepreneurship, etc);

- Returning particularly on discrimination linked to massacres and genocide of 1994, where up to date only the Tutsis have the right to mourn their relatives while all the Hutus are globally called genocidals. In that manner, the Kigali Government officially launched its program of apartheid hereinafter called"Ndi Umunyarwanda - I am Rwandan" which aims to push all Hutus to live in the shame by always kneeling to the Tutsis and asking them forgiveness. At the same time, the Tutsis who did not support that ideology are banned and excluded from the ruling sphere to the detriment of the Hutus of service who become the speaker of that ruling cast;

- Returning back on the terrorist acts of the violation of human rights perpetrated in Rwanda, and then exported to the Congo aiming the Rwandan refugees and the Congolese people, recital the unwavering support that the Kigali Government continues to make in the creation and support of armed groups who pursue macabre exactions against the Rwandan refugees and the Congolese population in the east of the Congo claiming it want to eradicate the FDLR;

- On July 01, 2012, the parties FDLR and PS IMBERAKURI sat together and put on the front FCLR - UBUMWE (the Common Front for the Liberation of Rwanda and the Rwandese) whose existence was declared February 04, 2013 at Musanze. The Front FCLR - UBUMWE aims peaceful change of power in Rwanda (cfr press release n° 001/13/COORD/FCLR-UBUMWE of February 04 2013);

- In the foregoing view, and considering that since its declaration of February 2013, the free and tenacious patriots, INDATSIMBURWA (the member of the Front FCLR - UBUMWE), have initiated talks and negotiations of all edges to develop the modalities of operation. This called for the prudence and patience. Considering the current evolution, deeply dismayed by the policy of humiliation and exclusion in progress in Rwanda as erected by the criminal and dictatorial government of the RPF led by General Paul Kagame and his clique, the Front FCLR - UBUMWE found that it's the right time to make a new step and start to work publicly. It's the only way to reassure and free the Rwandan people from the fear so that the latter may itself become the indisputable author of rapid peaceful change in Rwanda.

To do this, the Front FDLR - UBUMWE request:

- To Rwandans and friends of Rwanda especially the United Nations (UN), the United Nations Security Council (UNSC), the European Union (EU), the African Union (AU), the Southern African Development Community (SADEC), the International Conference on the Great Lakes Region (ICGLR) to put pressure on the government in Kigali so that it accepts without condition to open the political space and guarantee the freedoms of association and expression in Rwanda. This implies the unconditional release of all political prisoners and opinion prisoners in order to prepare and to take the dialog between the Rwandan government and the political opposition so that to agree on the voice and ways of running the Rwanda under the leadership of democracy, justice and freedom.

The Rwandans need to discuss on their history. In the present case, they need to tell the truth on the contours of the massacres between the Hutus and the Tutsis in order to take all the necessary measures to build the Rwanda which respects the rules, which respects the right of everyone, which guaranty the justice and the freedom of association and expression. It is in fighting against the policy of impunity that we can build the future of Rwanda. The Rwandans need a country where everyone is free to live in dignity, a country ensuring the security of the everybody, a country respecting the fundamental rules of democracy, a country that puts forward the peaceful coexistence with its neighbors.

- To each one, in this case the Rwandans, to understand that the objective of the ruling government of the RPF in Kigali is to subjugate the people of Rwanda and the submit to the ruling cliques after concerned of genocidal. Everyone should remember that the FDLR have been created and have taken up arms to protect the Rwandan refugees against the atrocities directed against them by the army of the RPF/RPA/RDF in the Congo. Several credibles reports such as " DRC Mapping Exercise Report 1993 - 2003" give details. No one can ignore that the little respite available to the people of Rwanda is that the RPF knows that the FDLR can rescue them in case of need.

- To the Rwandan politicians to join their efforts so that together we can rescue Rwandan both from inside and outside the Rwanda. The fact that the Rwandan opposition continues to be divided, the fact that the opposition continues to act each in his corner has no purpose other than strengthen the clique in power that continues to crush and denigrate its population.

- To all the Rwandans from the inside and from the outside, to understand the seriousness of the situation in Rwanda and to overcome fear, to cultivate in them the spirit of love and mutual assistance in order that together we unite our efforts to carry out this noble mission of freeing the Rwanda and the Rwandan people.

In summary, the Front FDLR - UBUMWE puts forward the peaceful ways to resolve the problems of Rwanda and of the sub-region. That is why, of his own will, the FDLR have decided to desarm. But, if the international community continues to ignore his suffering, it will have no other choice than to use all means at its disposal. We are putting in front the fact that the fundamental rights must be provided to everyone by a government which respects the laws in order to avoid resorting to suicidal methods in an attempt to move out of the dictatorship and oppression of power [cfr point 3 of the preamble to the universal declaration of human rights 217A(III) of 10 December 1948].

In case of need, each one must fight to ensure its fundamental rights. In our turn, together, in freedom, fight for the Peace and Unity of Rwanda and the Rwandese people.

Done at Kigali and at Walikale, January 12, 2014

Alexis BAKUNZIBAKE

First Vice President of the PS IMBERAKURI

Kigali-Rwanda

Major General Victor BYIRINGIRO

ai President of the FDLR

Walikale -DR Congo

Hits: 701 Email this Bookmark

Annex 19

RDI and PS press release, 11 March 2014

PRESS RELEASE: Support of Two Rwandan Political Parties to FDLR

Posted on March 11, 2014

The political parties RDI – RWANDA RWIZA and Social Party PS – IMBERAKURI call for an urgent solution to the problem of Rwandan refugees in the Democratic Republic Congo.

The political parties RDI and PS, Considering the recent developments in the African Great Lakes region marked in particular by the military victory of the government army of the Democratic Republic of Congo (DRC) over the M23 rebels,

Highly concerned by statements dated November 5, 2013 by Mr. Lambert MENDE, Minister of Communication and Spokesperson of the Government of the DRC, stating that the Congolese armed forces (FARDC) would start "shortly" an offensive against Rwandan Hutu rebels of the Democratic Forces for the Liberation of Rwanda (FDLR) to disarm them,

Also taking into account the equally disturbing announcement dated November 6, 2013 by Mr. Martin Kobler, Head of the UN Mission for Stabilization of Congo (MONUSCO) , which reported that peacekeepers would strengthen border control to prevent the Democratic Forces for the Liberation of Rwanda (FDLR) to go to Rwanda,

Condemning the irresponsible attitude of the government in Kigali illustrated , among others, by the request to the UN Security Council made by the Ambassador of Rwanda to the United Nations , Mr. Eugene- Richard GASANA to direct the intervention brigade embedded into MONUSCO to tackle the FDLR after the defeat of M23 group ,

Reaffirming that the FDLR and civilians under their protection are Rwandan Hutu refugees who survived the massacres perpetrated by the army of General Kagame on the territory of the DRC sufficiently documented in the "Mapping Report" published by the United Nations on October 1, 2010,

Also reaffirming that most of the refugees were born outside or were toddlers when they fled Rwanda in 1994, and therefore, that they have nothing to do with the genocide that the Kigali regime seeks to imputé to them collectively. During his press brief on October 15, 2013, President Kagame did not hesitate to compare them to Nazis,

Denouncing all obstacles to a safe and voluntary repatriation with dignity erected by the dictatorial regime in Kigali against the Rwandans who will soon have spent nearly two decades in the Congolese

http://rdirwanda-rwiza.com/archives/1085

people, as total destitutes, deserted by their own country and abandoned by the High Commissioner for Refugees (UNHCR) and the entire international community.

Reaffirming the legitimacy of the FDLR struggle and other Rwandan political forces struggle in favor of returning to their country for all Rwandans to create an acceptable conditions including creating of a pluralistic political space allowing free speech and respect of human rights.

The two political parties would like to bring to the attention of the Rwandan people and to the international community the following:

1. It is becoming increasingly urgent to find a solution to the problem of Rwandan refugees in general and especially those on the territory of the DRC. Therefore, the Rwandan government must embark resolutely on the path suggested by Tanzanian President Jakaya Kikwete, when in May 2013 urged Rwandan President Kagame to start political negotiations between his government and the FDLR rebels and all opposition political parties.

2. What is needed is a fair and equitable political solution that reassures all components of the Rwandan society. To this end, it will be beneficial for Rwanda to return to the spirit of the Arusha Peace Agreement of August 1993 and organizing a National Conference "Rwakoreri" for the advent of a new democratic regime based on a rule of law and sharing to guarantee a lasting peace, not only for Rwanda but also for the people of neighboring countries.

3. The Kigali regime cannot shirk and forsake its responsibility to guarantee fundamental rights to all its citizens. The Kigali regime has to reconsider its position on the issue of refugees and has to stop labeling as "genocidaires" or "divisionists" any Hutu who dares to oppose government segregationist policies. Moreover, Rwandans who are peace-loving have the right to use all legitimate means of defense to look for freedom and democracy, as long as the dictatorial regime in Kigali maintains its flagrant violations of freedom of expression and freedom of association, as evidenced by, among others, imprisonment of political opponents and independent journalists, refusal to register opposition political parties, and denial of the right to certain individuals to return home.

4. The responsibilities of the UN and the Congolese government are at stake. Both players should at least for humanitarian purposes, support the Rwandan people in distress on Congolese territory by creating acceptable conditions for their safety and voluntary return to Rwanda instead of trying to hunt them down like beasts under the cover of disarming those who for almost 19 years ensure their protection.

5. The political parties RDI – RWANDA RWIZA and PS- IMBERAKURI call on the international community to fully support these proposals highlighted above. In particular, countries and organizations that care about the political future of Rwanda and the entire Great Lakes region are invited to press the Rwandan government and all other stakeholders, so that a relevant, balanced and peaceful solution is quickly found to the question of the FDLR and other Rwandan refugees in DRC, once and for all.

Done in Brussels and Kigali, November 8, 2013

Wilson IWAGIRAMUNGU

President of the RDI – RWANDA RWIZA (Sic)

rwandarwiza@gmail.com

+ 483 068 198

c/o BAKUNZIBAKE

First Vice -President of the PS- IMBERAKURI (Sic)

imberakuri@gmail.com

+250 788 814 906

Annex 20

RDU-UDR press release, 1 March 2014

http://rdu-rwanda.org/cpc.html

RDU - UDR

Publications » CPC

PRESSRELEASE

1 st March 2014

CREATIONOF COALITION OF
RWANDANSPOLITICAL PARTIES FOR CHANGE
(CPC) .

Aconsultation meeting of Rwandan opposition political parties was held for the thirdtime in Brussels, on March the 1 st , 2014. The meeting established aformal framework for collaboration, able to work effectively for theiong-awaited political change in Rwanda.

Followingpolitical parties were present at the meeting:

1. UnitedDemocratic forces(U .D.- Inkingi) ;
2. ForcesDemocratic of Liberation of Rwanda (FDLR);
3. DemocraticPeople's Pact (PDP- Imanzi);
4. Partyfor Democracy in Rwanda (PDR - Ihumure);
5. SocialParty (PS- Imberakuri);
6. RwandanDream Initiative (RDI - Rwiza Rwanda) ;
7. RwandanDemocratic Union (UDR).

As areminder, the FDLR and PS- Imberakuri parties are grouped in the FCLR - Ubumwe(Common Front for the Liberation of Rwanda).

At thebeginning of the meeting, all participants responded positively to theinitiative of the UDR (Rwandan Democratic Union) the party that had came outwith the a proposal of establishing a coalition of Rwandan opposition parties duringthe meeting of the 1 st of February 2014.

Afterreviewing the report of the steering committee established on the 15 th February2014 in order to establish a formal framework for collaboration betweenRwandans opposition political parties, the meeting decided the followings

1. ThePresent parties unanimously reaffirmed the urgent need for close collaborationbetween the Rwandan political opposition in accordance of the project initiallylaunched on the 1st February 2014. They also noted with great satisfaction theenormous hope raised in the Rwandan people about this initiative and its nobleobjectives, which it wishes to achieve successful results.

2. Threepolitical parties, namely the FDU- Inkingi, the PDP- Imanzi and PDR- Ihumureexpressed their concerns regarding their immediate adhesion into a n the newcollaboration framework bringing together political opposition parties. Theyeach mentioned some prerequisites they wish to be satisfied prior they couldjoin the new new structure.

However,the three parties have clearly emphasized that they fully support the proposedcoalition of Rwandan political opposition parties. Thesethree political parties were requested to contribute to solutions, which willhelp them to contribute to the ongoing talks until conditions of theirparticipation in the new coalition structure are met.

3. Thefour other political parties considered that the time was suitable for theestablishment of a formal framework for collaboration. They took action bycreating a structure called Coalition of Rwandans Political Parties for Change,(CPC). They also expressed their gratitude to the parties FDU, PDR and PDP fortheir continued efforts in looking for solution to the many problems that thepeople of Rwanda face. They also stressed that the doors of the Coalitionremained open while waiting for their entry into the new structure, the threeparties would soon be informed of the terms of their continued collaborationwith their partners now grouped within the CPC.

4. Structureand Managertient within the CPC

v President: RDI - Rwanda Rwiza
v First Vice -President: FCLR -Ubumwe
v Second Vice -President: UDR
v General Secretary: FCLR - Ubumwe

Themanagement team will be supported by the following committees in which thefollowing relevant fields:

v Politics: FCLR - Ubumwe
v Finance: RDI - Rwanda Rwiza
v Defence: FCLR - Ubumwe
v External Relations: UDR
v The Coalition will also be aspokesperson from the ranks of FCLR - Ubumwe.

Themeeting welcomed the election of Mr Twagiramungu as President of the CPC. Othernames of other management team will be made public along with the politicalprogram of the Coalition at the press conference in Brussels on 19 March 2014.

Done atBrussels, 1 March 2014

For FCLR- Ubumwe : Victor Byiringiro
For RDI- Rwanda Rwiza : Faustin Twagiramungu
For UDR:Dr Paulin Murayi

Annex 21

RDU-UDR creation, 14 February 2014

http://rdu-rwanda.org/creation-of-the-rdu.html

Publications » Creation of the RDU

Creation of the RDU

PRESS RELEASE

CREATION OF RWANDAN DEMOCRATIC UNION "RDU" A NEW POLITICAL PARTY

We, the signatories of this declaration, have metin Brussels February 14, 2014 to create a political party that we called RDU "RWANDANDEMOCRATIC UNION ".
RDU has the objective to emerge a new generation of Rwandan politicians able to promote democracy and an inter-Rwandan dialogue inline of their core values of equality, justice, liberty and fraternity. All our actions will be driven by social compromises that can lead to a lasting peace.
A close look at the Rwandan society enabled us tofind that the democracy as a fundamental value for the development of all peopleis now a luxury that seems unattainable for the Rwandan people.
Socio - economic policies in Rwanda are currentlyexercised unequally and deny Rwandans their rights of democracy andparticipation, which consequently raises fears of further violent conflicts.
Power in Rwanda remains in the hands of the RwandanPatriotic Front and a small group of privileged people who control all institutions,economy, public services, justice and media among other things and this gives nochance to the other Rwandan people to access their fundamental rights.
The Rwandan people live in fear: the ruling RPFInkotanyi monitors everyone suppresses freedom of expression of citizens through repressive laws, oppression, persecution, imprisonments, torture andphysical elimination of political opponents.
Even if they manage to escape the regime to flee abroad,the current regime pursues them in order to forcibly repatriate them andeventually torture or kill them.
Impunity, injustice and the lack of respect of humanrights have become characteristics of the current governance system in our country.Considering Rwanda dark history, the current regime should have established asystem that would have learnt from past mistakes in order to avoid cycle of violencethat caused suffering to most of Rwandans for over half a century.
The current government prefers lies, manipulationand division between Rwanda, humbling a class of population turned into subhuman,sentenced to seek forgiveness for crimes they did not commit, while crimescommitted by the government persist. Meanwhile the ones responsible for wrongdoingremain free, protected and rewarded by the state.
On the other hand, having identified that manyRwandan political parties remain prisoners of their past or that of their leaders,that there are often motivated by personal interests of their leaders ratherthan interests of the Rwandan people.

We decided to establish " The RWANDANDEMOCRATIC UNION " to bring out a new generation of Rwandan politicianswho are focusing to the future, aspiring to bring a true reconciliation that achievesalasting peace and democracy in Rwanda, alleviates the suffering of our peopleIn distress and promotes national unity.

Some points of our action plan deserve special attention:

The problem of Rwandan refugees who are still manyoutside the country must be resolved quickly so that they can return peacefullywith dignity.

We commit ourselves to work for peace, to primarilyfocus on the dialogue between Rwandan s ! social compromise, in order to find all solutions to end the cycles of violence that is perpetual for Rwandanrefugees and allow their return to their homeland.

The proposed change to the people of Rwanda isbased on the primacy of human life, the truth about our common history, lastingpeace, freedom, equality and unity of the Rwandan people.

We are committed to promote an unequivocal democracyin Rwanda, to open a new era of harmony with true reconciliation of the peoplewho want to live together in mutual respect, dignity and prosperity.

The new Rwanda that RDU offers will be on a bothdepth transformation of Justice and all institutional bodies; including theArmy and Police so that they can be able to reflect all components of theRwandan society. All Rwandan citizens shall enjoy the same rights, the sametreatment and have the same duties.

We, the signatories of this declaration, we arecommitted to promote respect for fundamental rights. We recognize the need torelease all political prisoners, to return the property of Rwandan citizenswhich have been confiscated illegally and fraudulently and take into accountthe responsibility of all the actors who spread hatred and divisions thatpreviously led to suffering of Rwandans, during and after all the horrors thathave marked the Rwandan society without distinction and without any form ofdiscrimination.

We are committed to:

- Workingfor a sustainable peace in Rwanda and throughout the Great Lakes region, topromote the policy of social compromise, good neighborliness, cooperation and regionalintegration with neighboring countries for a lasting peace in the beautifulregionn great Lakes so that people can live in harmony and respect for theintegrity and sovereignty of each country.
- Eradicateall sorts of corruption and partisan spirit in order to engage the country onan equitable pathway and equal opportunity in provision of public contracts, employment,investment and the opportunity to do business unimpeded or without pressures inorder to achieve a prosperous Rwanda .
- Implementeconomic reforms necessary in order to facilitate competitively and attract foreigninvestors, ease taxes in order to facilitate growth and privilege the promotionof our products and services in regional and international markets.
- Strengthenthe separation of powers in order to facilitate control of actions of the government,free and fair democratic elections in order to give the people the choice tochoose their leaders and representatives at all levels in their society.
- Establisha reformed Rwandan army and the police so that they can be representative ofthe true Rwandan society and protect all Rwandans.
- Finallywe will embark on a reform of the national education so that all children enjoythe same rights for education, have opportunities to access the different andall education institutions now reserved for a small segment of the population.

We, the founding members of the RWANDAN DEMOCRATICUNION have unanimously adopted this declaration and have set up a temporary executivecommittee composed by:

- President **Dr Paulin Murayi** – Living in Belgium
- VicePresident: **Mr Aloys Manzi** – Living in UK
- ExecutiveSecretary: **Mr Saleh Karuranga** - Living in Belgium
- GeneralTreasurer: **Ms Claudette Mukamutesi** - Living in France

Done in Brussels on 14 TH February 2014

- Paulin Murayi
- Mr Aloys Manzi
- Mr Saleh Karuranga
- Claudette Mukamutesi
- Eric Ndagijimana
- JeanRukara

Annex 22

M23 escapees

The list below is the Group's determination of the names of the M23 ex-combatants and cadres who have escaped from the Ngoma camp in Rwanda. The sources of information for escapees are the Government of Rwanda (23 October 2013) or the DRC Agence nationale de renseignements (ANR) (April 2014). The Group notes that some of the people identified by the Government of Rwanda in October as having escaped were not on the Government of Rwanda's list of M23 elements who crossed into Rwanda in March 2013.

Number	*Name*	*Escape date*	*Source*	*On 1 April 2013 Rwanda M23 List*
1	MUGABE Robert	4/2/13	Rw/DRC (ANR)	Yes
2	KABANO Salim	4/2/13	Rw	NO
3	KANYAMARERE Janvier	4/2/13	Rw/DRC (ANR)	Yes
4	KARANGWA David	4/7/13	Rw	Yes
5	NGAMIJE Thierry	4/7/13	Rw	NO
6	MUSHABE Dickson (or Dickoni)	4/7/13	Rw	Yes
7	GATETE Sam	5/17/13	Rw	NO
8	BIMENYIMANA Jean Claude	5/17/13	Rw	Yes
9	USIOGOPE Eric	6/9/13	Rw/DRC (ANR)	Yes
10	NGABO Janvier	6/9/13	Rw	Yes
11	NDIKUBWIMANA Emmanuel	6/9/13	Rw	Yes
12	MENDE Shomari Eloge	8/10/13	Rw/DRC (ANR)	Yes
13	MBABEJENDE Alexis	9/2/13	Rw	NO
14	HAKIZIMANA Theogene	10/20/13	Rw	Yes
15	NDERERIMANA Evode	10/22/13	Rw	NO
16	SIMPARIKA Innocent	1/20/14	DRC (ANR)	NO
17	DUSHIME Michel	1/22/14	DRC (ANR)	Yes
18	NDUWAMUNGU Hasan (or Hassan)	1/23/14	DRC (ANR)	Yes
19	NGABOYMANZI (or NGABO) Jimmy	1/23/14	DRC (ANR)	Yes
20	KAYUMBA Augustin	1/25/14	DRC (ANR)	Yes

Number	*Name*	*Escape date*	*Source*	*On 1 April 2013 Rwanda M23 List*
21	KAMBALE KALIMWABENE Heritier	1/25/14	DRC (ANR)	Yes
22	KAMANZI Felix (?)	1/25/14	DRC (ANR)	NO
23	BIKORIMANA Ismael	1/25/14	DRC (ANR)	Yes
24	NKURIZA (or NKURIWA) Jean Pierre	1/25/14	DRC (ANR)	Yes
25	SIBOMANA Athanase	1/25/14	DRC (ANR)	Yes
26	KIZA (or CYIZA) Jean Pierre	1/30/14	DRC (ANR)	Yes
27	MUHIRE Olivier	2/5/14	DRC (ANR)	Yes
28	RUBANGURA Jean Paul	2/5/14	DRC (ANR)	Yes
29	MUPENZI Dieudonne	2/5/14	DRC (ANR)	Yes
30	MUSABYIMANA J. Damour (or Jean d'Amour)	2/5/14	DRC (ANR)	Yes
31	AKUMUCYO Celestin	2/7/14	DRC (ANR)	Yes
32	MUSHIMIYE Richard	2/9/14	DRC (ANR)	Yes
33	DUSHIME Gentil	2/9/14	DRC (ANR)	Yes
34	MUGABO Alexis (or Alexie)	2/9/14	DRC (ANR)	Yes
35	NSABABARA Egide	2/10/14	DRC (ANR)	NO
36	SAFI Salimu (or Sarim)	2/10/14	DRC (ANR)	Yes
37	KASEREKE (or KASEREKA) Fabrice	2/12/14	DRC (ANR)	Yes
38	MUNYAMAHORO Justin	2/12/14	DRC (ANR)	Yes
39	IRANZI Faustin	2/13/14	DRC (ANR)	Yes
40	BIMENYIMANA Randward	3/1/14	DRC (ANR)	NO
41	NYANDWI Viateur	3/1/14	DRC (ANR)	Yes
42	TUYIZERIMANA Radjabu	3/9/14	DRC (ANR)	Yes
43	BYIRINGIRO Theoneste	3/9/14	DRC (ANR)	Yes
44	NSHIMIYIMANA Claude	na	DRC (ANR)	Yes
45	BADAGA Jonas	na	DRC (ANR)	Yes
46	SALUM Said Kamanzi	na	DRC (ANR)	NO

Number	*Name*	*Escape date*	*Source*	*On 1 April 2013 Rwanda M23 List*
47	RUKUNDA Gaby	na	DRC (ANR)	Yes
48	NDAYIZEYE Theogene	na	DRC (ANR)	NO, but found a NDAYIBIGIJE Theogene
49	MIGABO Fred	na	DRC (ANR)	Yes
50	URAGIWENIMANA Jean Marie Vianney	na	DRC (ANR)	Yes
51	MAZIMPAKA Edmond	na	DRC (ANR)	Yes
52	NSANZABANDI Innocent	na	DRC (ANR)	Yes
53	TUYISHIMIRE Munezero	na	DRC (ANR)	Yes
54	NDARUHUTSE Dieudonne	na	DRC (ANR)	Yes
55	SIBOMANA Jackson	na	DRC (ANR)	Yes
56	NYIONSABA Alon (or Aroni)	na	DRC (ANR)	Yes
57	BIYRINGIRO Chance	na	DRC (ANR)	Yes
58	MUGISHA Claude	na	DRC (ANR)	Yes

Annex 23

EJVM report, 6 December 2013

This is an excerpt of the 6 December 2013 EJVM report on M23 ex-combatants in Uganda, who were then cantoned in the Kasese district. The Group notes that EJVM identified 1,323 M23 elements in Kasese, and two individuals — "Gen." Sultani Makenga and "Col." Innocent Kaina — in Kampala.

DIFFUSION RESTREINTE

EXPANDED JOINT VERIFICATION MECHANISM

MECANISME CONJOINT DE VERIFICATION ELARGI

6 Décembre 2013

RAPPORT DE VÉRIFICATION SUR LE PERSONNEL DU M23 RENDU EN OUGANDA AVEC LEUR EQUIPEMENT.

Référence :

A. Termes de référence ;
B. Lettre du QG de l'UPDF N°: UPDF/CDF/48/SF, du 6 Novembre 2013.

INTRODUCTION

Suite à la demande de l'Etat Major de l'UPDF en référence «B» portant vérification sur la présence du personnel M23 rendus en Ouganda avec leur équipement, le Commandant du MCV-E a conduit une vérification à Kasese et Kampala du 30 Novembre au 04 Décembre 2013.
Les tâches suivantes ont été accomplies : à Kasese, le MCV-E a vérifié et contrôlé physiquement l'ensemble du personnel rendu. A Kampala, le MCV-E a vérifié le matériel récupéré, la présence physique du Commandant du M23 ainsi que de son Commandant des Opérations et les combattants blessés admis à l'hôpital militaire de BOMBO à Kampala.

BUT

Le but de ce rapport de vérification est de rendre compte des observations, constats sur le personnel du M23 rendus avec leur équipement en Ouganda.

DIFFUSION RESTREINTE

CONTENU

a. Composition de l'équipe ;
b. Vérification du personnel du M23 dans le district de Kasese ;
c. Vérification de la présence des Cadres Militaires du M23 à Kampala ;
d. Vérification de l'équipement ;
e. Vérification des blessés M23 admis à l'Hôpital Militaire UPDF ;
f. Observations ;
g. Recommandations ;
h. Conclusion ;

COMPOSITION DE L'EQUIPE

L'équipe était composée de tous les membres du MCV-E présents.

VERIFICATION DU PERSONNEL DU M23 DANS LE DISTRICT DE KASESE

L'équipe a d'abord reçu un briefing de la part du Commandant du 305ème brigade des UPDF de KASESE qui l'a informé qu'en date du 20 Novembre 2013, que **1 378** combattants du M23 ont été reçus dont, cinquante-deux (**52**) non combattants mineurs, neuf (**09**) qui avaient été arrêtés un peu plutôt à Kampala et deux (**02**) qui se sont rendus volontairement à Kasese. La répartition du personnel présent à partir du 1er Décembre 2013 étant de **1323** comme indiqué dans l'annexe «A».

L'équipe a été informés que depuis le 20 Novembre 2013, **42** combattants blessés ont été transférés à l'hôpital militaire de l'UPDF et les **50** mineurs ont été transférés au UNHCR qui sont actuellement dans le camp des réfugiés de KYAKA, tandis que **02** mineurs et **43** combattants sont absents du camp de regroupement de Kasese.
Le commandant du 305ème Brigade UPDF a présenté de nombreux défis parmi lesquels, l'indiscipline généralisée des combattants et leurs Commandants, l'absence de commandement, de contrôle, leur absentéisme régulier, la redondance et l'amalgame présumée des forces des différents pays. L'aspect de priser en

DIFFUSION RESTREINTE

charge de ces combattants quasi que limitée au niveau des soins médicaux suivis du déficit au niveau de la literie et l'hébergement.

L'équipe a effectuée un comptage physique des combattants présents et a observé que ces derniers étaient au nombre de **1360** combattants dont dix-sept (**17**) étaient des femmes.
Cependant, le MCVE a constaté que ceux qui étaient absents lors de ce contrôle étaient allés chercher leurs deux (**02**) collègues qui avaient été portés disparus après avoir été surpris entrain de voler du maïs dans les champs de la population locale.

Les actions pour réunifier les mineurs d'âges avec leurs familles ont été menées par l'UNHCR qui a identifié certaines de leurs familles dans les camps de réfugiés de NYAKABANDE et KIGEME en Ouganda ainsi qu'au Rwanda. Le MCV-E dans son rapport du 7 novembre 2013 avait identifié le personnel de police du M23 qui s'était rendu aux autorités de l'UPDF à KISORO. Ce groupe composé de vingt-quatre (24) agents de police sont actuellement dans le camp de réfugié de NYAKABANDE en Ouganda sous la surveillance de l'UNHCR.

VERIFICATION DE LA PRESENCE DES CADRES MILITAIRES DU M23 A KAMPALA

Les Autorités de l'UPDF se sont engagées à coopérer au maximum avec le MCV-E pour toute vérification future et sur toutes les questions. Le MCV-E a pu vérifié la présence effective de Sultani MAKENGA Commandant du M23 et de son Adjoint Innocent KAINA Commandant des opérations du M23 qui sont sous la garde des autorités de l'UPDF qui leur ont remis au MCV-E. Le Commandant MAKENGA est séparé de l'ensemble du personnel du M23afin qu'il n'exerce plus les commandement et contrôle sur ses officiers et soldats.

VERIFICATION DE L'EQUIPEMENT

Une liste de l'équipement a été donnée au MCV-E qui a ensuite vérifié physiquement en comptant l'équipement. L'équipe a pris des échantillons de numéros de série et a confirmé qu'il s'agit bien de la liste de l'inventaire

DIFFUSION RESTREINTE

établi par les autorités de l'armée ougandaise (UPDF). Les détails sont finis en annexe «B»

VERIFICATION DES BLESSES M23 ADMIS A L'HOPITAL MILITAIRE UPDF

Le MCVE a visité les blessés à l'hôpital général militaire de l'UPDF et a compté physiquement Quarante et un (**41**) éléments blessés. Cependant, le Commandant Innocent KAINA chargé des opérations du M23 faisait partie des 42 signalés à KASESE.

OBSERVATIONS

a. Compte tenu du manque de clôture des installations où sont détenus les combattants du M23 à KASESE le taux de désertion enregistré est minime, mais susceptible d'augmenter.

b. La prise en charge des combattants a été jugée insuffisante, malgré les efforts déployés par les autorités Ougandaises.

c. Le MCV-E félicite le Gouvernement de l'Ouganda pour le travail et les efforts qu'il entreprend dans la gestion des rendus du M23.

d. Bien que les autorités Ougandaises aient avancé des difficultés d'établir la liste du personnel du M23 qui changera des noms et des grades à chaque appel, elles ont exprimé leur volonté d'établir une liste complète. Il est nécessaire au MCV-E d'avoir rapidement la copie finale.

RECOMMANDATION

Le MCV-E recommande un règlement rapide de toutes les questions liées à ces combattants du M23 réfugiés en Ouganda afin d'éviter davantage des cas de désertion dans le camp et réduire la pression qu'exerce ces derniers sur les autorités Ougandaises dans leur prise en charge.

DIFFUSION RESTREINTE

CONCLUSION

Le MCV-E témoigne de la présence physique du personnel du M23 rendus en Ouganda ainsi que leur équipement saisi par les autorités ougandaises, et apprécie la bonne coopération de ces dernières avec le MCV-E.

Annex 24

Comparison of February and April 2014 M23 lists

The Government of Uganda provided the Group with the lists of M23 ex-combatants and political cadres, from which the Group created the tables below.

M23 roll call taken before 3 February																		
Unit	Bde Gen	Col	Lt Col	Maj	Capt	Lt	2Lt	WO1	WO2	ISM	SM	ISGT	SGT	CPL	Pte	Cmd	2CL	cadres	Total
HQ	1	2	24	36	16	9	12	19	5	0	1	2	7	11	0	5	0	7	157
1st Bn	0	0	3	13	39	46	43	60	25	2	9	10	13	89	20	1	0	0	373
2nd Bn	0	0	4	14	44	36	65	56	27	5	15	3	21	102	0	0	0	0	392
3rd Bn	0	0	3	10	23	44	26	63	13	6	11	0	12	161	28	3	0	0	403
Total	1	2	34	73	122	135	146	198	70	13	36	15	53	363	48	9	0	7	1325

Table created by the Group on the basis of the list given by UPDF in April																		
Unit	Bde Gen	Col	Lt Col	Maj	Capt	Lt	2Lt	WO1	WO2	ISM	SM	ISGT	SGT	CPL	Pte	Cmd	2CL	cadres	Total
HQ	1	2	28	41	19	10	10	20	5	2	3	2	4	13	0	7	1	5	173
1st Bn	0	0	3	12	40	42	47	58	29	3	8	9	15	55	54	1	0	0	376
2nd Bn	0	0	4	13	41	42	62	53	27	4	15	3	22	99	1	0	0	0	386
3rd Bn	0	0	2	10	25	45	34	65	14	1	11	2	13	81	102	3	0	0	408
Total	1	2	37	76	125	139	153	196	75	10	37	16	54	248	157	11	1	5	1343

Unit	February list	April list	Difference
HQ	157	173	16
1st Bn	373	376	3
2nd Bn	392	386	-6
3rd Bn	403	408	5
Total	1325	1343	18

Annex 25

List of M23 cadres in Kampala

Provided by the Government of Uganda to the Group in April 2014.

RESTRICTED

M23 Cadres in Kampala

1. Bisimwa Betrand
2. Elie MUTELA,
3. Ephraim KAYUMBA,
4. Victor TSHIPAMBA,
5. Joel Malembe,
6. Fior MUYINDA,
7. Christian MABUNDU,
8. Arson TAGOYA,
9. Alidor MUTUDI,
10. Alex MUBALAMA,
11. Nicholas KASHANDO,
12. Alex KIMANUKA,
13. Ali MUSAGARA,
14. Kingston KANYUKA,
15. Pamela MUHOZI,
16. Sylvie MIHIGO,
17. Oscar BALINDA,
18. Claude MANZI,
19. Désire RWIGEMA,
20. Jean MUHIRE,
21. Antoine MANZI,
22. Fanette MURAZA.

RESTRICTED

Annex 26

M23 weapons in Kampala

(photos by the Group)

AK-47s

PKM machine guns

Rocket propelled grenade launchers

12.7 mm anti-aircraft guns

Annex 27

Letter to President Kabila from Morgan

D E C L A R A T I O N Y A G E N E R A L
M O R G A N

R A I S I Joseph KABILA KABANGE .

Na sikia ushuuda wako juu ya damuyetu sisi wa kongo kwani.
Inayo evangina siku zote sikuu. Na nili pata furaha kidogo wakati
nilisikia kwamba sisi machicha ya va rebellion hamta tu fungisha temai
ao kutu wao tena! Chai d' ici uko papa sisa kuyo chini ya sigun yako.
Tuliuliza ili swali kuona Ah! juu yaani sisi na jiuwa aje ili nipatia taaaa
yaku taka inje juu nione ukweli.
  Na ninakuja na nimejua ya kuwa ise kongo juu kuwa ise kweli J.PIERRE BEMBA
BEMBA alisha fungulisa ,Na TOMA LUBANGA na eIMOISI wingi vengali .
Bdani ya wafa yangu, na mtoai ya sehi lengu kwako baba ,ni hii!

1) kuchikisha peta yangu ya general
2)Na unitambe sawasi ya ki joei
3)Na unitenie silaha za aina yote.

4.Kuonesha kuna siku nkuta yake na kuna siku tayari unitume fasi yoyote
kwenye sote ya adui yako ike .
Alisha kutuma ile mawbi na age

Translation from original Swahili by MONUSCO staff

Democratic Republic of the Congo

Headquarters General Mumbiri

Mai Mai Lumumba Simba

Declaration of General Morgan to His Excellency Rais Joseph Kabila Kabange

I heard your testimony about the blood of us Congolese which is spilled every day. I was happy when I learned that small rebel groups like ours would no longer be arrested or killed. Head of State, you are our father and we come at your feet to listen to your voice Ah! Why do we kill each other, it gave me the desire to leave (the forest) and find out the truth. I come, knowing it is false — but if it was true J. Pierre Bemba would be freed already. Toma Lubanga and all the others are still there. My request to my father is this one:

1) Confirm my grade of general

2) Give us military uniforms

3) Supply us with all sorts of weapons

And to show that I am your son and that I am ready, send me everywhere your enemy is.

After having sent you my request…

Annex 28

Morgan's last day, 14 April 2014

The Group obtained photographic and video evidence from various sources in the Ituri District. The images below include photos and images from videos. Where the time could be determined, it is provided; however, for some videos and photos, the precise time was not indicated. The Group reconstructed this sequence of events starting from Morgan's arrival at Molokay, and ending with his death in Komanda.

Description	Picture
Morgan (black shirt and dark blue jeans) meets Gen. Fall (standing on the right, wearing FARDC military uniform, with red insignia on the shoulder) at Molokay.	
An unarmed Morgan and Gen. Fall get into Gen. Fall's car for private discussion, surrounded by FARDC soldiers.	
Morgan in Mambasa, approximately 2 hours post shooting. Morgan is seated with other wounded persons in the back of a pickup-truck, wearing black shirt and underpants.	

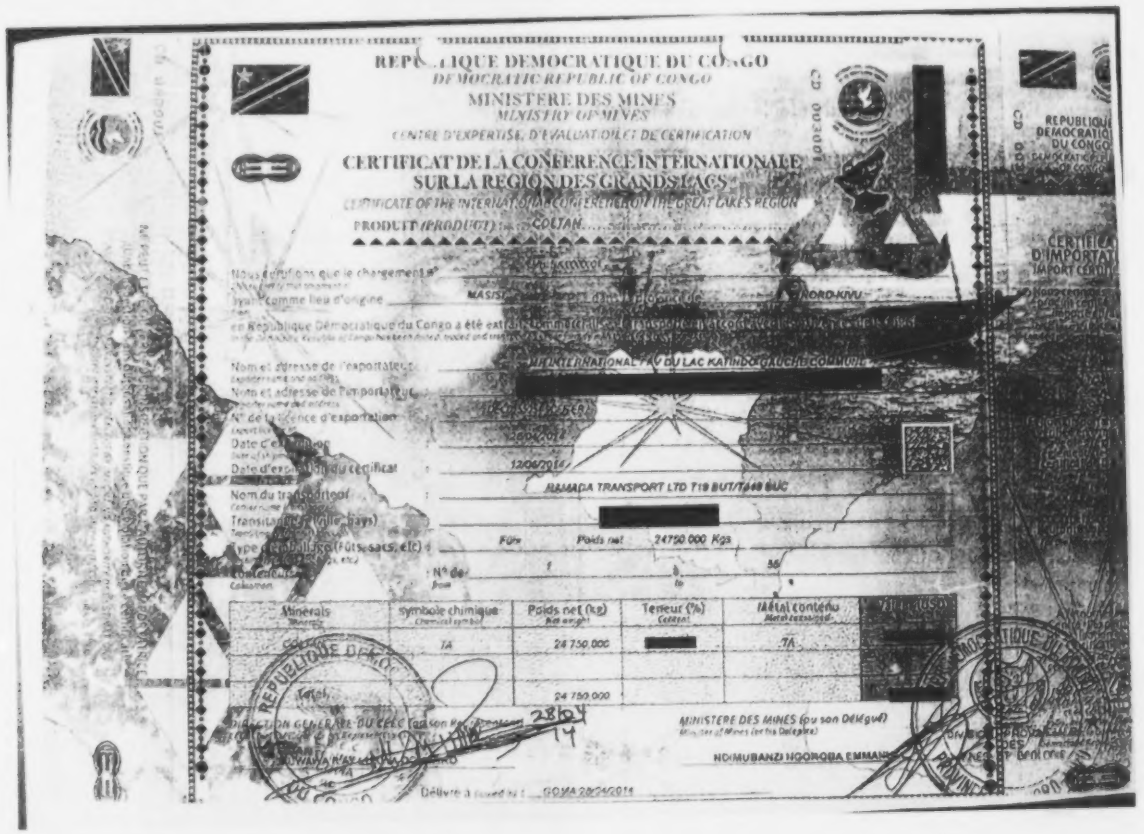
Crowd gathers in front of the Mambasa health facility (Centre de depistage SIDA) where some wounded are dropped off. Morgan is not treated here and continues the journey at the back of the truck.	
14h54: Gen. Fall at the entrance of MONUSCO camp in Komanda.	
15h05: Picture taken ten minutes post arrival in Komanda. Morgan is barely alive and appears to have moved his arms.	
15h05. MONUSCO provides medical assistance in Komanda.	

16h01: FARDC and MONUSCO soldiers transport Morgan transported on a stretcher. A MONUSCO soldier holds a drip, and bandages are apparent on Morgan's leg and hip.	
16h01: The MONUSCO helicopter is visible, which brought an Air Medical Evacuation Team (AMET) to Komanda.	
16h07: Morgan on the ground near the helicopter.	
A medical officer from the AMET tries to resuscitate Morgan	

Resuscitation attempt continues.	
The AMET continues resuscitation attempt.	
16h48: Morgan is in the helicopter.	

Annex 29

DRC ICGLR certificate of export



REPUBLIQUE DEMOCRATIQUE DU CONGO
DEMOCRATIC REPUBLIC OF CONGO
MINISTERE DES MINES
MINISTRY OF MINES
CENTRE D'EXPERTISE, D'EVALUATION ET DE CERTIFICATION

CERTIFICAT DE LA CONFERENCE INTERNATIONALE SUR LA REGION DES GRANDS LACS
CERTIFICATE OF THE INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION

PRODUIT (PRODUCT) : COLTAN

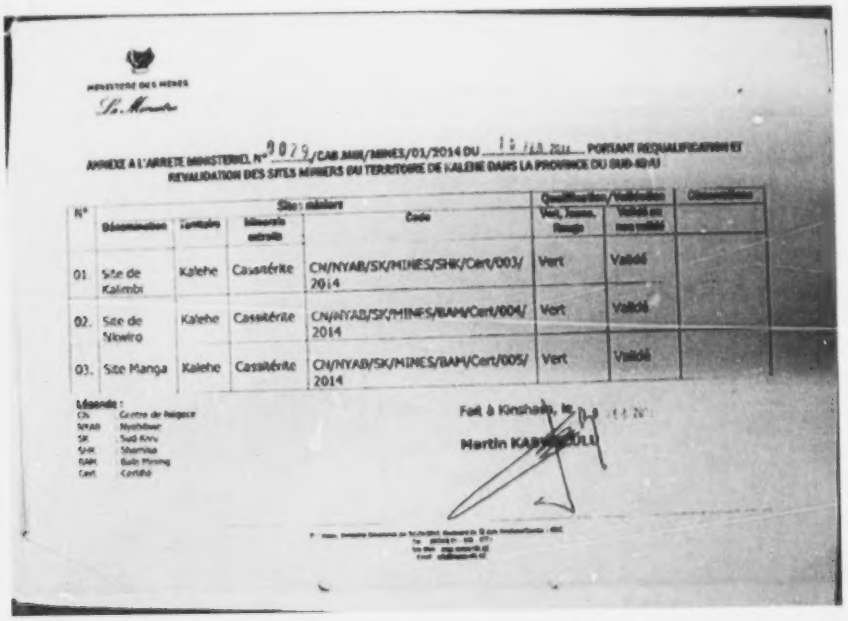
Nous certifions que le chargement de
We certify that the consignment of
MASISI
NORD-KIVU
en République Démocratique du Congo a été exporté comme
in the Democratic Republic of Congo was exported as
Nom et adresse de l'exportateur
Name and address of the exporter
[redacted] INTERNATIONAL LTD DU LAC KAMINDO GAUCHE COMMUNE
Nom et adresse de l'importateur
Name and address of the importer
[redacted]
N° de la licence d'exportation
Export licence number
[redacted]/2014
Date d'émission
Date of issue
Date d'expiration du certificat : 12/06/2014
Nom du transporteur : RWANDA TRANSPORT LTD T19 BUT/T448 BUC
Transit par (ville, pays)
Transit through (city, country)
[redacted]
Type d'emballage (Fûts, sacs, etc.) : Fûts Poids net : 24750.000 Kgs
Nombre colis
Colis number
N° de / from : 1 to : 55

Minerals	symbole chimique	Poids net (kg)	Teneur (%)	Métal contenu
	TA	24 750.000	[redacted]	TA
Total:		24 750.000		

DIRECTION GENERALE DU CEEC (ou son Représentant)
28/04/14
MINISTERE DES MINES (ou son Délégué)
NDIMUBANZI NGOROBA EMMANUEL
Délivré à (Issued at) : GOMA 28/04/2014

Annex 30

Mine site validation



MINISTERE DES MINES

Le Ministre

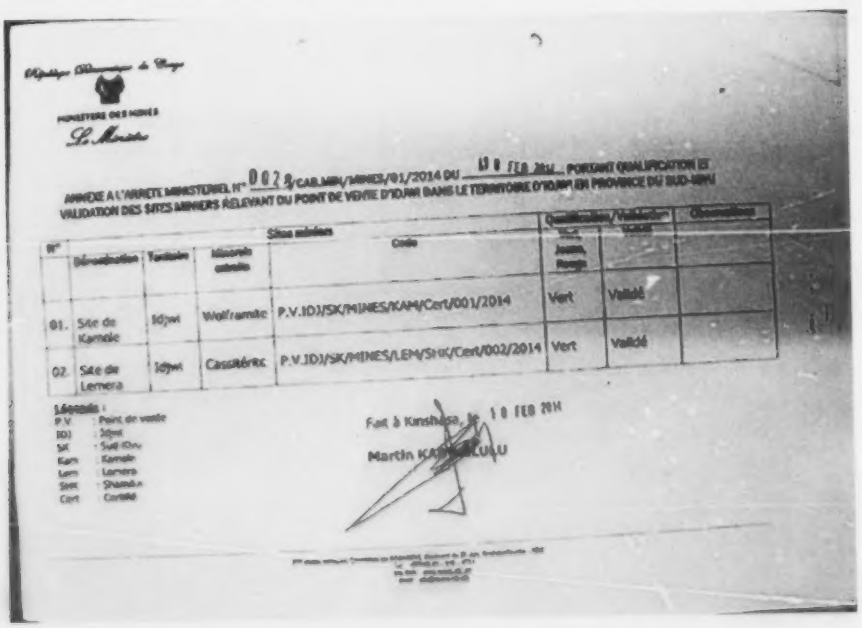
ANNEXE A L'ARRETE MINISTERIEL N° 0029/CAB.MIN/MINES/01/2014 DU 10 FEB 2014 PORTANT REQUALIFICATION ET REVALIDATION DES SITES MINIERS DU TERRITOIRE DE KALEHE DANS LA PROVINCE DU SUD-KIVU

N°	Sites miniers				Qualification/Validation		Observations
	Dénomination	Territoire	Minerais extraits	Code	Vert, Jaune, Rouge	Validé ou non validé	
01.	Site de Kalimbi	Kalehe	Cassitérite	CN/NYAB/SK/MINES/SHK/Cert/003/2014	Vert	Validé	
02.	Site de Nkwiro	Kalehe	Cassitérite	CN/NYAB/SK/MINES/BAM/Cert/004/2014	Vert	Validé	
03.	Site Manga	Kalehe	Cassitérite	CN/NYAB/SK/MINES/BAM/Cert/005/2014	Vert	Validé	

Légende :
Ch : Centre de négoce
NYAB : Nyabibwe
SK : Sud Kivu
SHK : Shamaka
BAM : Bwin Mining
Cert : Certifié

Fait à Kinshasa, le 10 FEB 2014

Martin KABWELULU



MINISTERE DES MINES

Le Ministre

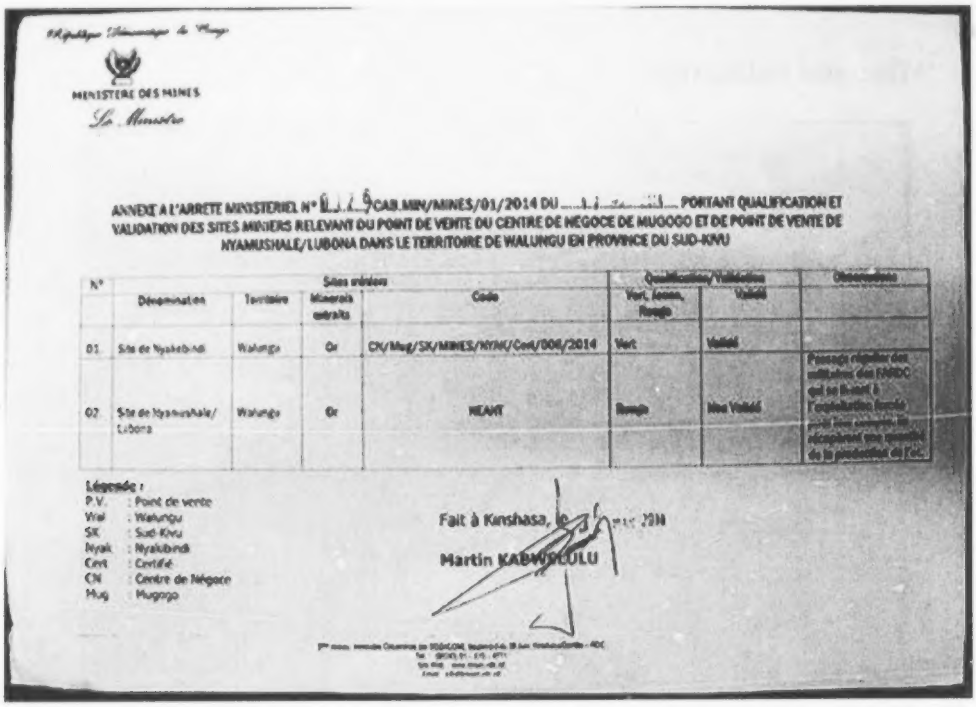
ANNEXE A L'ARRETE MINISTERIEL N° 0029/CAB.MIN/MINES/01/2014 DU 10 FEB 2014 PORTANT QUALIFICATION ET VALIDATION DES SITES MINIERS RELEVANT DU POINT DE VENTE D'IDJWI DANS LE TERRITOIRE D'IDJWI EN PROVINCE DU SUD-KIVU

N°	Sites miniers				Qualification/Validation		Observations
	Dénomination	Territoire	Minerais extraits	Code	Vert, Jaune, Rouge	Validé ou non validé	
01.	Site de Kamole	Idjwi	Wolframite	P.V.IDJ/SK/MINES/KAM/Cert/001/2014	Vert	Validé	
02.	Site de Lemera	Idjwi	Cassitérite	P.V.IDJ/SK/MINES/LEM/SHK/Cert/002/2014	Vert	Validé	

Légende :
P.V : Point de vente
IDJ : Idjwi
SK : Sud Kivu
Kam : Kamole
Lem : Lemera
SHK : Shamaka
Cert : Certifié

Fait à Kinshasa, le 10 FEB 2014

Martin KABWELULU



MINISTERE DES MINES
Le Ministre

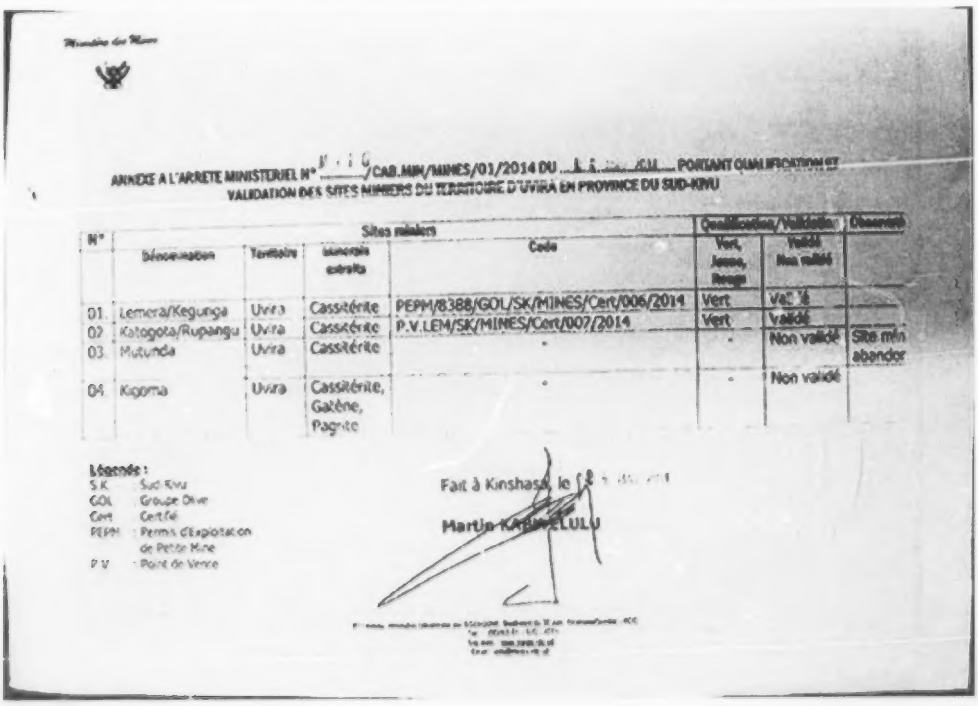
ANNEXE A L'ARRETE MINISTERIEL N° [illegible]/CAB.MIN/MINES/01/2014 DU [illegible] PORTANT QUALIFICATION ET VALIDATION DES SITES MINIERS RELEVANT DU POINT DE VENTE DU CENTRE DE NEGOCE DE MUGOGO ET DE POINT DE VENTE DE NYAMUSHALE/LUBONA DANS LE TERRITOIRE DE WALUNGU EN PROVINCE DU SUD-KIVU

N°	Sites miniers				Qualification/Validation		Observations
	Dénomination	Territoire	Minerais exploités	Code	Vert, Jaune, Rouge	Validé	
01	Site de Nyakibindi	Walungu	Or	CN/Mug/SK/MINES/NYAK/Cert/006/2014	Vert	Validé	
02	Site de Nyamushale/ Lubona	Walungu	Or	NEANT	Rouge	Non Validé	Présence signalée des militaires des FARDC qui se livrent à l'exploitation illicite [illegible]
							[illegible]

Légende :
P.V. : Point de vente
Wal : Walungu
SK : Sud-Kivu
Nyak : Nyakibindi
Cert : Certifié
CN : Centre de Négoce
Mug : Mugogo

Fait à Kinshasa, le [illegible] 2014

Martin KABWELULU



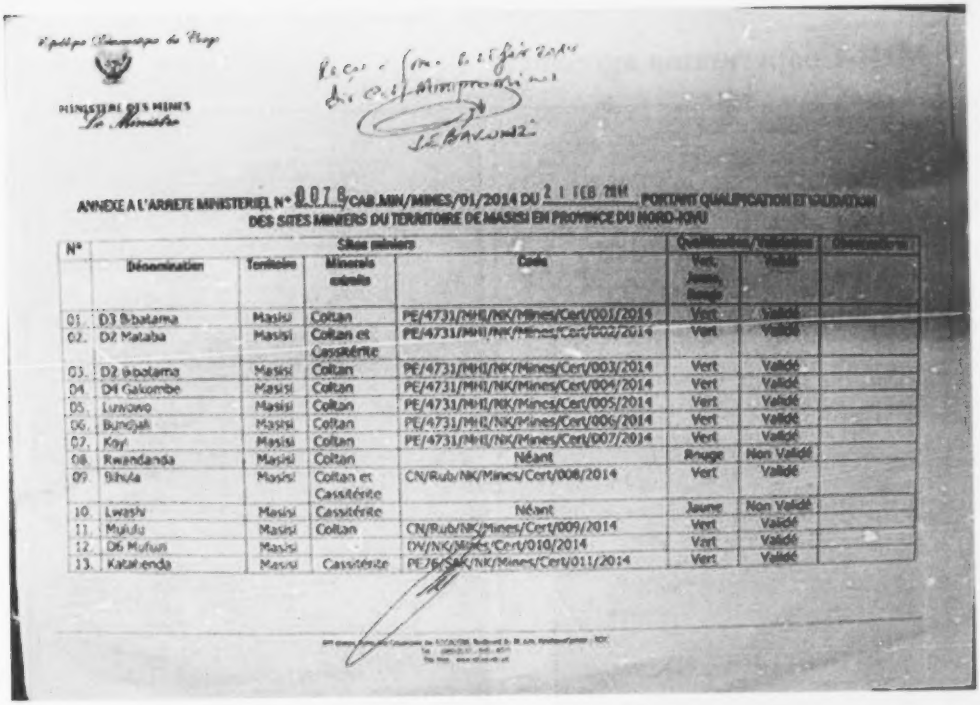
ANNEXE A L'ARRETE MINISTERIEL N° [illegible]/CAB.MIN/MINES/01/2014 DU [illegible] PORTANT QUALIFICATION ET VALIDATION DES SITES MINIERS DU TERRITOIRE D'UVIRA EN PROVINCE DU SUD-KIVU

N°	Sites miniers				Qualification/Validation		Observations
	Dénomination	Territoire	Minerais exploités	Code	Vert, Jaune, Rouge	Validé, Non validé	
01	Lemera/Kegunga	Uvira	Cassitérite	PEPM/8388/GOL/SK/MINES/Cert/006/2014	Vert	Validé	
02	Katogota/Rupangu	Uvira	Cassitérite	P.V.LEM/SK/MINES/Cert/007/2014	Vert	Validé	
03	Mutunda	Uvira	Cassitérite	"	"	Non validé	Site min abandon
04	Kigoma	Uvira	Cassitérite, Galène, Pagnite	"	"	Non validé	

Légende :
S.K. : Sud Kivu
GOL : Groupe Olive
Cert : Certifié
PEPM : Permis d'Exploitation de Petite Mine
P.V. : Point de Vente

Fait à Kinshasa, le [illegible]

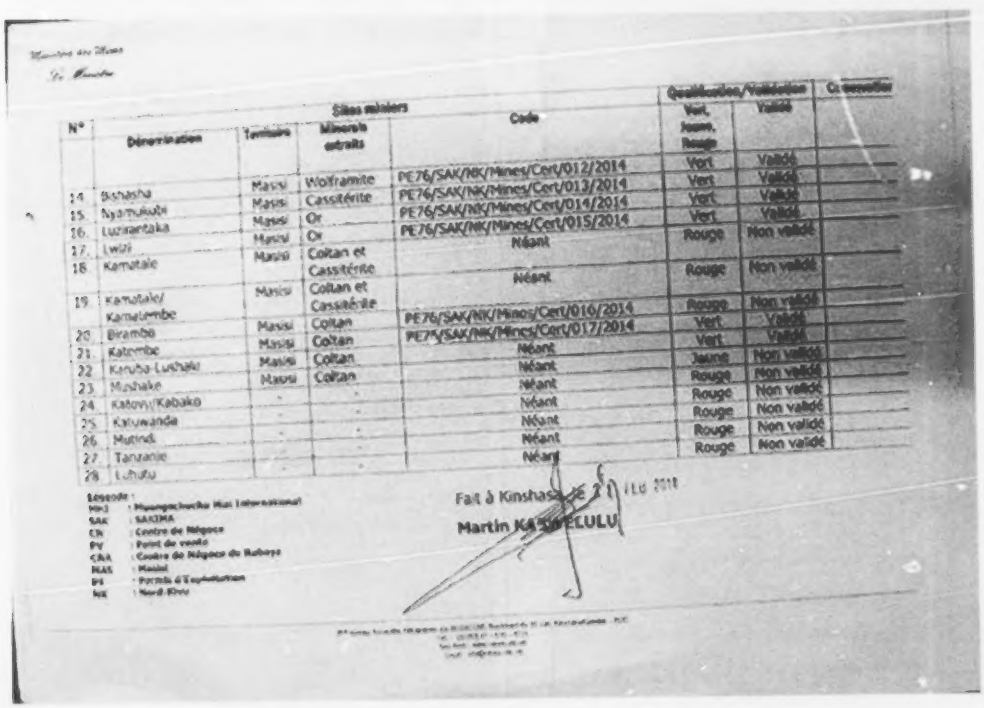
Martin KABWELULU



MINISTERE DES MINES
Le Ministre

ANNEXE A L'ARRETE MINISTERIEL N° 0078/CAB.MIN/MINES/01/2014 DU 21 FEB 2014 PORTANT QUALIFICATION ET VALIDATION DES SITES MINIERS DU TERRITOIRE DE MASISI EN PROVINCE DU NORD-KIVU

N°	Sites miniers				Qualification/Validation		Observations
	Dénomination	Territoire	Minerais extraits	Code	Vert, Jaune, Rouge	Validé	
01.	D3 Bibatama	Masisi	Coltan	PE/4731/MHI/NK/Mines/Cert/001/2014	Vert	Validé	
02.	D2 Mataba	Masisi	Coltan et Cassitérite	PE/4731/MHI/NK/Mines/Cert/002/2014	Vert	Validé	
03.	D2 Bibatama	Masisi	Coltan	PE/4731/MHI/NK/Mines/Cert/003/2014	Vert	Validé	
04.	D4 Gakombe	Masisi	Coltan	PE/4731/MHI/NK/Mines/Cert/004/2014	Vert	Validé	
05.	Luvowo	Masisi	Coltan	PE/4731/MHI/NK/Mines/Cert/005/2014	Vert	Validé	
06.	Bunjali	Masisi	Coltan	PE/4731/MHI/NK/Mines/Cert/006/2014	Vert	Validé	
07.	Kayi	Masisi	Coltan	PE/4731/MHI/NK/Mines/Cert/007/2014	Vert	Validé	
08.	Rwandanda	Masisi	Coltan	Néant	Rouge	Non Validé	
09.	Bihula	Masisi	Coltan et Cassitérite	CN/Rub/NK/Mines/Cert/008/2014	Vert	Validé	
10.	Lwashi	Masisi	Cassitérite	Néant	Jaune	Non Validé	
11.	Mukulu	Masisi	Coltan	CN/Rub/NK/Mines/Cert/009//2014	Vert	Validé	
12.	D6 Mufuni	Masisi		DV/NK/Mines/Cert/010/2014	Vert	Validé	
13.	Katale enda	Masisi	Cassitérite	PE76/SAK/NK/Mines/Cert/011/2014	Vert	Validé	



Ministre des Mines
Le Ministre

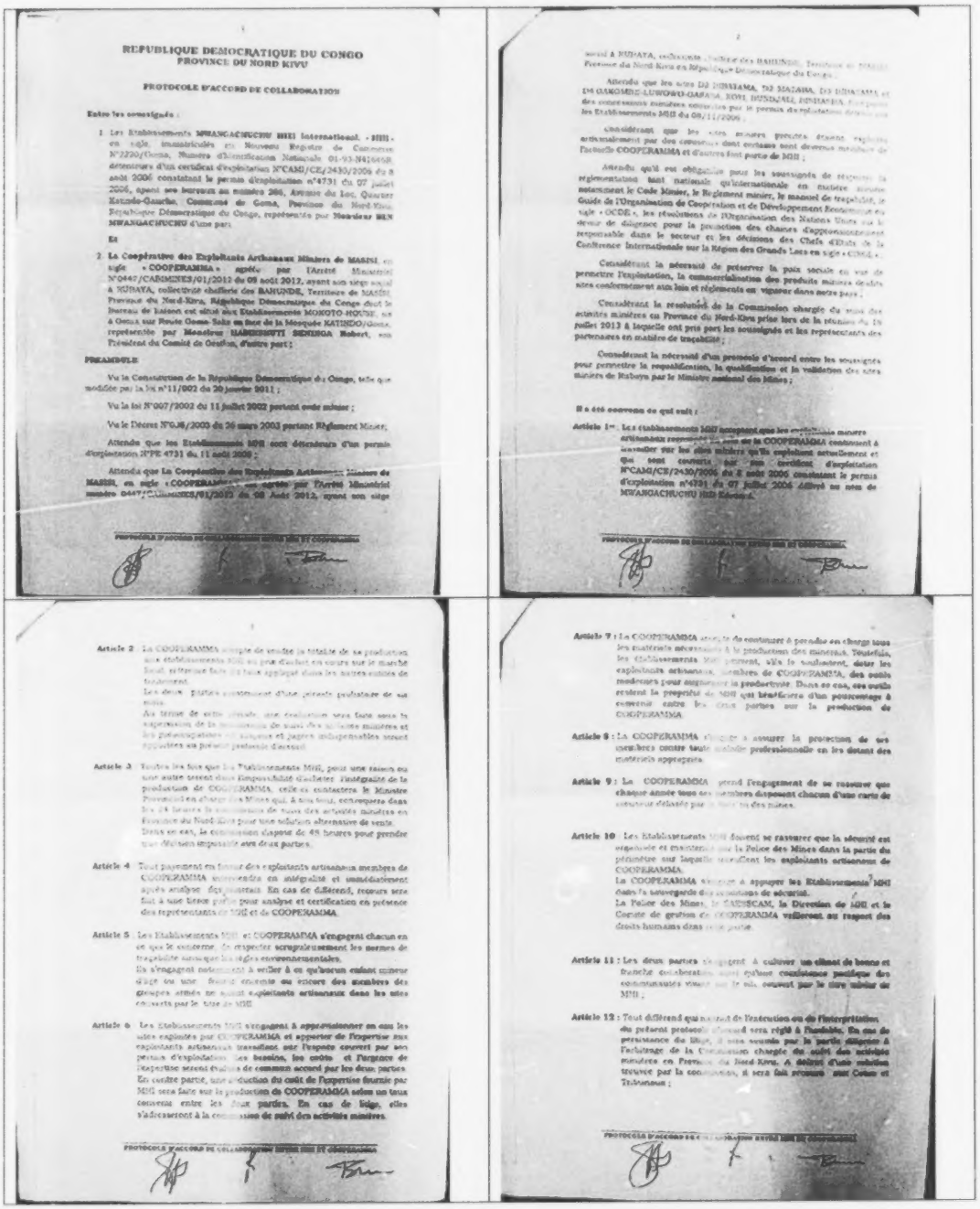
N°	Sites miniers				Qualification/Validation		Observations
	Dénomination	Territoire	Minerais extraits	Code	Vert, Jaune, Rouge	Validé	
14.	Bishasha	Masisi	Wolframite	PE76/SAK/NK/Mines/Cert/012/2014	Vert	Validé	
15.	Nyamukubi	Masisi	Cassitérite	PE76/SAK/NK/Mines/Cert/013/2014	Vert	Validé	
16.	Luzirantaka	Masisi	Or	PE76/SAK/NK/Mines/Cert/014/2014	Vert	Validé	
17.	Lwizi	Masisi	Or	PE76/SAK/NK/Mines/Cert/015/2014	Rouge	Non validé	
18.	Kamatale	Masisi	Coltan et Cassitérite	Néant	Rouge	Non validé	
19.	Kamatale/ Kamelembe	Masisi	Coltan et Cassitérite	Néant	Rouge	Non validé	
20.	Birambo	Masisi	Coltan	PE76/SAK/NK/Mines/Cert/016/2014	Vert	Validé	
21.	Katembe	Masisi	Coltan	PE76/SAK/NK/Mines/Cert/017/2014	Vert	Validé	
22.	Karuba-Lushalu	Masisi	Coltan	Néant	Jaune	Non validé	
23.	Mushake	Masisi	Coltan	Néant	Rouge	Non validé	
24.	Katovi/Kabako	"	"	Néant	Rouge	Non validé	
25.	Kaluwande	"	"	Néant	Rouge	Non validé	
26.	Mutindi	"	"	Néant	Rouge	Non validé	
27.	Tanzanie	"	"	Néant	Rouge	Non validé	
28.	Luhulu	"	"	Néant	Rouge	Non validé	

Légende :
MNI : Muungano Niua International
SAK : SAKIMA
CN : Centre de Négoce
PV : Point de vente
CBA : Centre de Négoce de Bukoya
MAS : Masisi
PE : Permis d'Exploitation
NK : Nord Kivu

Fait à Kinshasa, le 21 FEB 2014
Martin KAZEMBELULU

Annex 31

MHI-Cooperamma agreement



REPUBLIQUE DEMOCRATIQUE DU CONGO
PROVINCE DU NORD KIVU

PROTOCOLE D'ACCORD DE COLLABORATION

Entre les soussignés :

1. Les Etablissements **MWANGACHUCHU Hill International - MHI** - en sigle immatriculés au Nouveau Registre de Commerce N°2720/Goma, Numéro d'Identification Nationale 01-93-N41645B, détenteurs d'un certificat d'exploitation N°CAMI/CE/2430/2006 du 8 août 2006 constatant le permis d'exploitation n°4731 du 07 juillet 2006, ayant son bureau au numéro 286, Avenue du Lac, Quartier Katindo-Gauche, Commune de Goma, Province du Nord-Kivu, République Démocratique du Congo, représentés par **Monsieur HUN MWANGACHUCHU** d'une part

Et

2. **La Coopérative des Exploitants Artisanaux Miniers de MASISI**, en sigle « **COOPERAMMA** » agréé par l'Arrêté Ministériel N°0447/CABMINES/01/2012 du 08 août 2012, ayant son siège social à NJINAYA, collectivité chefferie des BAHUNDE, Territoire de MASISI, Province du Nord-Kivu, République Démocratique du Congo dont le bureau de liaison est situé aux Etablissements MOKOTO HOUSE, sis à Goma sur Route Goma-Sake en face de la Mosquée KATINDO/Goma, représentée par **Monsieur HABUMUGOTI SEMUNGA Robert**, son Président du Comité de Gestion, d'autre part ;

PREAMBULE

Vu la Constitution de la République Démocratique du Congo, telle que modifiée par la loi n°11/002 du 20 janvier 2011 ;

Vu la loi N°007/2002 du 11 juillet 2002 portant code minier ;

Vu le Décret N°038/2003 du 26 mars 2003 portant Règlement Minier;

Attendu que les Etablissements MHI sont détenteurs d'un permis d'exploitation N°PE 4731 du 11 août 2006 ;

Attendu que **La Coopérative des Exploitants Artisanaux Miniers de MASISI**, en sigle « **COOPERAMMA** » agréé par l'Arrêté Ministériel numéro 0447/CABMINES/01/2012 du 08 Août 2012, ayant son siège

PROTOCOLE D'ACCORD DE COLLABORATION ENTRE MHI ET COOPERAMMA

siégé à NJINAYA, collectivité chefferie des BAHUNDE, Territoire de MASISI, Province du Nord-Kivu en République Démocratique du Congo ;

Attendu que les sites DJ DJIBIYAMA, DJ MAZAMA, DJ DJIBIYAMA et DJ DAKOMBE-LUBOWO-DAMANA, KOVI BUSINDALI, BINDAMBA, font partie des concessions minières octroyées par le permis d'exploitation dont sont les Etablissements MHI du 08/11/2006 ;

Considérant que les sites miniers précités étaient exploités artisanalement par des creuseurs dont certains sont devenus membres de l'actuelle **COOPERAMMA** et d'autres font partie de MHI ;

Attendu qu'il est obligatoire pour les soussignés de respecter la réglementation tant nationale qu'internationale en matière minière notamment le Code Minier, le Règlement minier, le manuel de traçabilité, le Guide de l'Organisation de Coopération et de Développement Economiques en sigle « OCDE », les résolutions de l'Organisation des Nations Unies sur le devoir de diligence pour la protection des chaines d'approvisionnement responsable dans le secteur et les décisions des Chefs d'Etats de la Conférence Internationale sur la Région des Grands Lacs en sigle « CIRGL » ;

Considérant la nécessité de préserver la paix sociale en vue de permettre l'exploitation, la commercialisation des produits miniers de sites conformément aux lois et règlements en vigueur dans notre pays ;

Considérant la résolution de la Commission chargée du suivi des activités minières en Province du Nord-Kivu prise lors de la réunion du 19 juillet 2013 à laquelle ont pris part les soussignés et les représentants des partenaires en matière de traçabilité ;

Considérant la nécessité d'un protocole d'accord entre les soussignés pour permettre la requalification, la qualification et la validation des sites miniers de Rubaya par le Ministre national des Mines ;

Il a été convenu de qui suit :

Article 1er : Les Etablissements MHI reconnaissent que les exploitants miniers artisanaux regroupés [illegible] sont ceux de la COOPERAMMA contenant à travailler sur les sites miniers qu'ils exploitent actuellement et qui sont couverts par son certificat d'exploitation N°CAMI/CE/2430/2006 du 8 août 2006 constatant le permis d'exploitation n°4731 du 07 juillet 2006 délivré au nom de MWANGACHUCHU Hill Limited.

PROTOCOLE D'ACCORD DE COLLABORATION ENTRE MHI ET COOPERAMMA

Article 2 : La COOPERAMMA s'engage de vendre la totalité de sa production aux établissements MHI au prix d'achat en cours sur le marché local, retenue faite de la taxe appliqué dans les autres entités de traitement.
Le deuxième paiera mensuellement d'une période probatoire de six mois.
Au terme de cette période, une évaluation sera faite sous la supervision de la [illegible] de voir de la qualité minière et les [illegible] et jugera indispensables seront appréciées au présent protocole d'accord.

Article 3 : Toutes les fois que les Etablissements MHI, pour une raison ou une autre seront dans l'impossibilité d'acheter l'intégralité de la production de COOPERAMMA, celle en contactera le Ministre Provincial en charge des Mines qui, à son tour, conviendra dans les 24 heures la suspension de tous des activités minières en Province du Nord-Kivu pour une période alternative de vente.
Dans ce cas, la suspension n'excède de 48 heures pour prendre une décision impossible avec deux parties.

Article 4 : Tout payement en faveur des exploitants artisanaux membres de COOPERAMMA sera effectué en intégralité et immédiatement après analyse des échantillons. En cas de différend, recours sera fait à une tierce partie pour analyse et certification en présence des représentants de MHI et de COOPERAMMA.

Article 5 : Les Etablissements MHI et COOPERAMMA s'engagent chacun en ce qui le concerne de respecter scrupuleusement les normes de traçabilité minière et les règles environnementales.
Ils s'engagent notamment à veiller à ce qu'aucun enfant mineur d'âge en vue [illegible] encore des membres des groupes formés ne soient exploitants artisanaux dans les sites couverts par le titre de MHI.

Article 6 : Les Etablissements MHI s'engagent à approvisionner en eau les sites exploités par COOPERAMMA et apporter de l'expertise aux exploitants artisanaux travaillant sur l'espace couvert par son permis d'exploitation. Les besoins, les coûts et l'urgence de l'expertise seront évalués de commun accord par les deux parties.
En contre partie, une déduction du coût de l'expertise fournie par MHI sera faite sur la production de COOPERAMMA selon un taux convenu entre les deux parties. En cas de litige, elles s'adresseront à la commission de suivi des activités minières.

PROTOCOLE D'ACCORD DE COLLABORATION ENTRE MHI ET COOPERAMMA

Article 7 : La COOPERAMMA accepte de continuer à prendre en charge tous les matériels nécessaires à la production des minerais. Toutefois, les Etablissements MHI peuvent, afin le soulagent, doter les exploitants artisanaux, membres de COOPERAMMA, des outils modernes pour augmenter la productivité. Dans ce cas, ces outils seront la propriété de MHI qui bénéficiera d'un pourcentage à convenir entre les deux parties sur la production de COOPERAMMA.

Article 8 : La COOPERAMMA s'engage à assurer la protection de ses membres contre toute maladie professionnelle en les dotant des matériels appropriés.

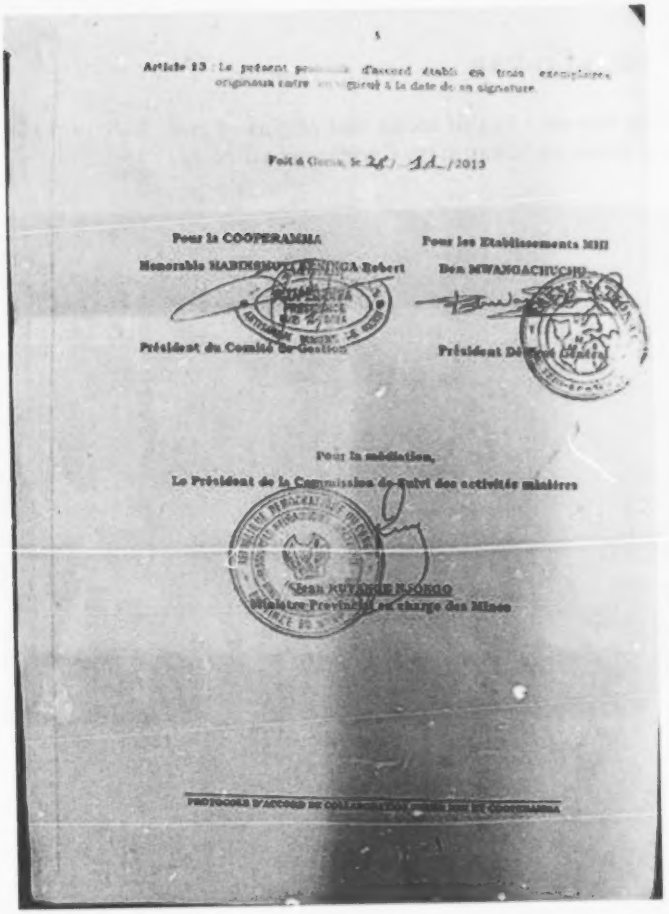
Article 9 : La COOPERAMMA prend l'engagement de se ressaisir que chaque année tous ses membres disposent chacun d'une carte de creuseur délivrée par [illegible] des mines.

Article 10 : Les Etablissements MHI doivent se rassurer que la sécurité est organisée et maintenue par la Police des Mines dans la partie du périmètre sur laquelle travaillent les exploitants artisanaux de COOPERAMMA.
La COOPERAMMA s'engage à appuyer les Etablissements MHI dans la sauvegarde de ses intérêts de sécurité.
La Police des Mines, le CADESCAM, la Division de MHI et le Comité de gestion de COOPERAMMA veilleront au respect des droits humains dans cette partie.

Article 11 : Les deux parties s'engagent à cultiver un climat de bonne et franche collaboration [illegible] quelque considérence politique des communautés vivant sur le site couvert par le titre minier de MHI ;

Article 12 : Tout différend qui naîtrait de l'exécution ou de l'interprétation du présent protocole d'accord sera réglé à l'amiable. En cas de persistance du litige, il sera soumis par la partie diligente à l'échange de la Commission chargée du suivi des activités minières en Province du Nord-Kivu. A défaut d'une solution trouvée par la commission, il sera fait recours aux Cours et Tribunaux ;

PROTOCOLE D'ACCORD DE COLLABORATION ENTRE MHI ET COOPERAMMA



Article 13 : Le présent protocole d'accord établi en trois exemplaires originaux entre en vigueur à la date de sa signature.

Fait à Goma, le 28/11/2013

Pour la COOPERAMMA

Honorable HABIKIMANA NGENDAKUMANA Robert

Président du Comité de Gestion

Pour les Etablissements MH

Don MWANGACHUCHU

Président Directeur Général

Pour la médiation,

Le Président de la Commission de Suivi des activités minières

Jean MUTAMBE KAMBALE

Ministre Provincial en charge des Mines

PROTOCOLE D'ACCORD DE COLLABORATION ENTRE MH ET COOPERAMMA

Annex 32

Tagged bag of coltan

This tag was on a bag of coltan that originated from Rubaya. Photo taken by the Group in Goma on 5 May at the Cooperama office.

Annex 33

Untagged bag in Rubaya

A porter carrying minerals from Luwowo to Rubaya without the mine's tag. Photo taken by the Group on 30 April in Rubaya. The Group confirmed this bag had no tag.

Annex 34

FARDC position near Rwangara mining site

These photos show an empty FARDC position 1 km from Rwangara. The Group took these photos on 28 April 2014.

Annex 35

Mineral seizures in Goma and Bukavu

These documents provide information about minerals seizures in Bukavu and Goma.

"/ALU"
REPUBLIQUE DEMOCRATIQUE DU CONGO
FORCES ARMEES
FORCE TERRESTRE
DIXIEME REGION MILITAIRE
ETAT MAJOR
T2

BUKAVU, le

N°053/1007 /EM 10 Rgn Mil/T2/2014

Transmis copie pour information à :
- Son Excellence Monsieur le Gouverneur de la Province du Sud-Kivu à BUKAVU ;
- Son Excellence Monsieur le Ministre Provincial de Mine du Sud-Kivu à BUKAVU.

Objet : Transfert onze colis de 50Kgs CASSITERITES

A Monsieur le Chef de Division Provinciale des Mines du Sud-Kivu à BUKAVU

Monsieur le Chef de Division,

En date du 01 Mai 2014 vers 2130 heures au niveau de poste frontalier RUZIZI III, quartier NGUBA, commune d'IBANDA à BUKAVU, nos services de Renseignement Militaire T2 10ème Région Militaire ont saisie onze colis de cassitérites appartenant à Monsieur LUHINDJA voulant le faire traverser au Rwanda, ce dernier avait pris fuite quelques minutes avant la saisie desdits colis.

En effet, en référence note n°250/CAB/MIN-PRO/EMHC/SK/2012 relative à l'implication du Commandant 10ème Région Militaire sur le désengagement des sites miniers par les FARDC et la transabilité des minerais. C'est dans ce cadre que nous vous transférons pour compétence les onze colis de cassitérites et dont le responsable est en fuite cette même nuit.

Franches collaborations.

Le Commandant de la 10e Région Militaire
MASUNZU PACIFIQUE
Général Major

REPUBLIQUE DEMOCRATIQUE DU CONGO
MINISTERE DES FINANCES
DIRECTION GENERALE DES DOUANES ET ACCISES
DGDA

DIRECTION PROVINCIALE DU NORD-KIVU
SOUS DIRECTION DE LA BRIGADE ET
LUTTE CONTRE LA FRAUDE
INSPECTION DE LA BRIGADE DE SURVEILLANCE
DES FRONTIERES

Goma, le 10 / 12 /2013

CLT

10/12/2013

N°477/DP-NK/SDBLF/IBSF/2013

A Monsieur le Sous-directeur de la Brigade Douanière de Lutte contre la Fraude à Goma/Nord-Kivu,

Concerne: Transmission Rapport Circonstancié

Monsieur le Sous-directeur,

Par la présente, j'ai l'honneur de vous transmettre en annexe pour dispositions, le rapport relatif à la saisie d'un véhicule contenant les matières minérales (deux colis de coltant), et qui a été acheminé à la Direction Provinciale de la DGDA Nord-Kivu en date du 10 décembre 2013 par les agents de la brigade de surveillance des frontières de la Grande Barrière.

Je vous en souhaite bonne réception.

L'Inspecteur de la Brigade de Surveillance,

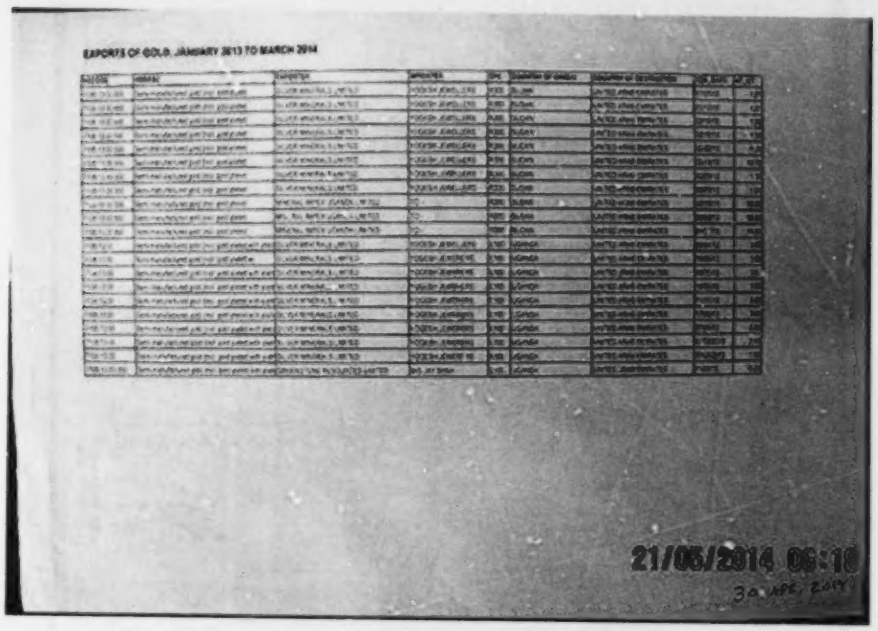
MASUNO BANYWESIZE

C.I : Monsieur le Directeur Provincial de la DGDA/Nord-Kivu

Annex 36

Uganda gold exports, 2013-2014

In April 2014, the Government of Uganda provided the Group with this list of gold exports from Uganda covering January 2013 to March 2014. The list shows that companies exported gold between January and November 2013, but did not export any gold between December 2013 and March 2014. The exporting companies were Mineral Impex Uganda Ltd. (42.50 kg), Silver Minerals Ltd. (41.99 kg), and Greenstone Resources Ltd. (0.29 kg). The countries of origin are listed as Sudan and Uganda; i.e. Uganda did not officially export any gold that originated from DRC.


EXPORTS OF GOLD JANUARY 2013 TO MARCH 2014

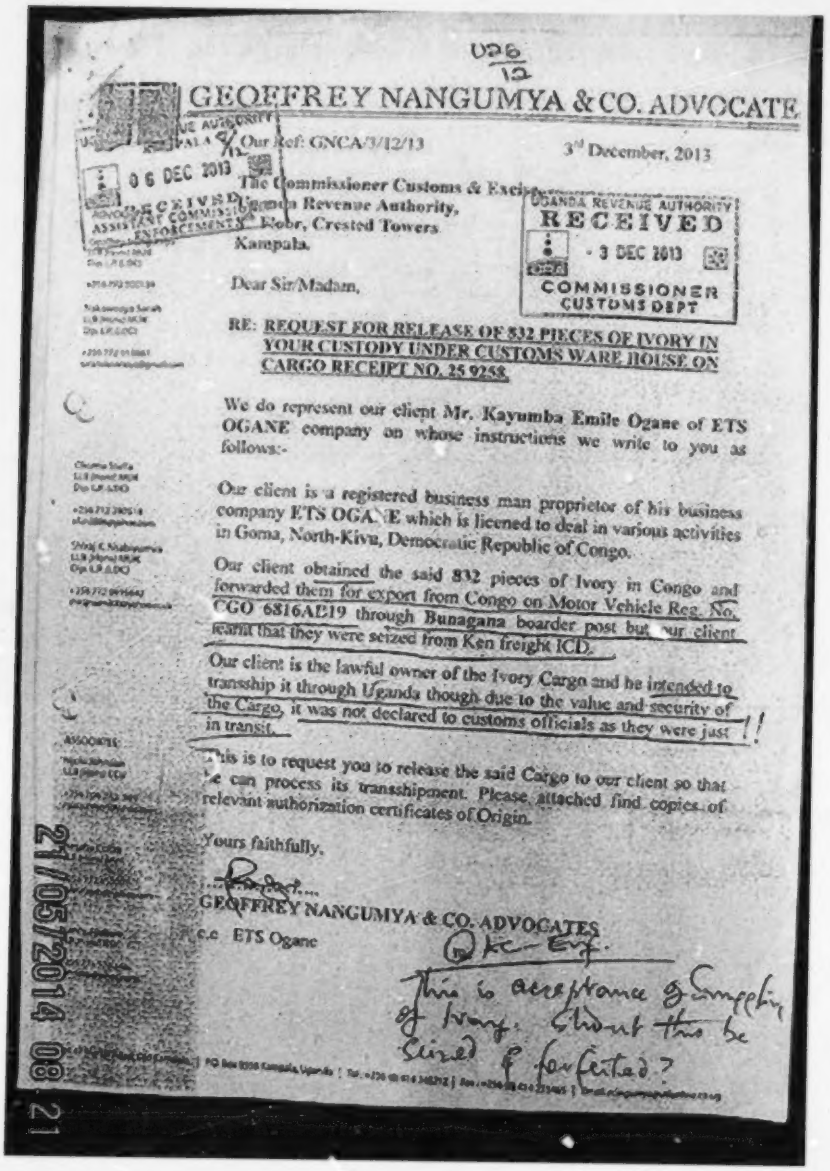
21/05/2014 09:10

30 APR 2014

Annex 37

Congolese ivory trafficker documents

In April, the Government of Uganda provided these documents to the Group, which show that Mr. Kayumba Emile Ogane of ETS Ogane company trafficked 832 pieces of ivory from DRC to Uganda, through the Bunagana border post. The document appears as it was received by the Group.



026
12

GEOFFREY NANGUMYA & CO. ADVOCATE

Our Ref: GNCA/3/12/13 — 3rd December, 2013

0 6 DEC 2013
RECEIVED
ASSISTANT COMMISSIONER ENFORCEMENT

The Commissioner Customs & Excise
Uganda Revenue Authority,
Floor, Crested Towers
Kampala.

UGANDA REVENUE AUTHORITY
RECEIVED
- 3 DEC 2013
026
COMMISSIONER CUSTOMS DEPT

Dear Sir/Madam,

RE: REQUEST FOR RELEASE OF 832 PIECES OF IVORY IN YOUR CUSTODY UNDER CUSTOMS WARE HOUSE ON CARGO RECEIPT NO. 25 9258

We do represent our client Mr. Kayumba Emile Ogane of ETS OGANE company on whose instructions we write to you as follows:-

Our client is a registered business man proprietor of his business company ETS OGANE which is licened to deal in various activities in Goma, North-Kivu, Democratic Republic of Congo.

Our client obtained the said 832 pieces of Ivory in Congo and forwarded them for export from Congo on Motor Vehicle Reg. No. CGO 6816AD19 through Bunagana boarder post but our client learnt that they were seized from Ken freight ICD.

Our client is the lawful owner of the Ivory Cargo and he intended to transship it through Uganda though due to the value and security of the Cargo, it was not declared to customs officials as they were just in transit. !!

This is to request you to release the said Cargo to our client so that we can process its transshipment. Please attached find copies of relevant authorization certificates of Origin.

Yours faithfully,

GEOFFREY NANGUMYA & CO. ADVOCATES

c.c ETS Ogane

Q to Enf.

This is acceptance of Smuggling of Ivory. Should this be seized & forfeited?

21/05/2014 08:21

Export certificate signed by Mr. Athanga Pene Wila, dated 20 November 2012, authorizing Emile Kayumba to export up to 4,000 kg of ivory from DRC.

21/05/2014 08:18

REPUBLIQUE DEMOCRATIQUE DU CONGO

MINISTERE DE L'ENVIRONNEMENT, CONSERVATION DE LA NATURE ET TOURISME

DIVISION PROVINCIALE DU NORD-KIVU B.P. 144 GOMA

Certificat N°03/2012

CERTIFICAT LEGITIME A L'EXPORTATION

Loi N°82-0002 du 28 mai 1982

1. Déclarant (1) : Quatre mille Kilogrammes des défenses d'éléphants de forêt
2. Propriétaire (1) : KAYUMBA Emile
3. Permis de chasse : 05/2012 relatif au ramassage sur animaux morts et/ou dépouilles d'éléphants de forêt à l'exclusion des Parcs Nationaux, réserves intégrales et de tous domaines de chasse.
4. Trophées (2) : Défenses d'éléphants.

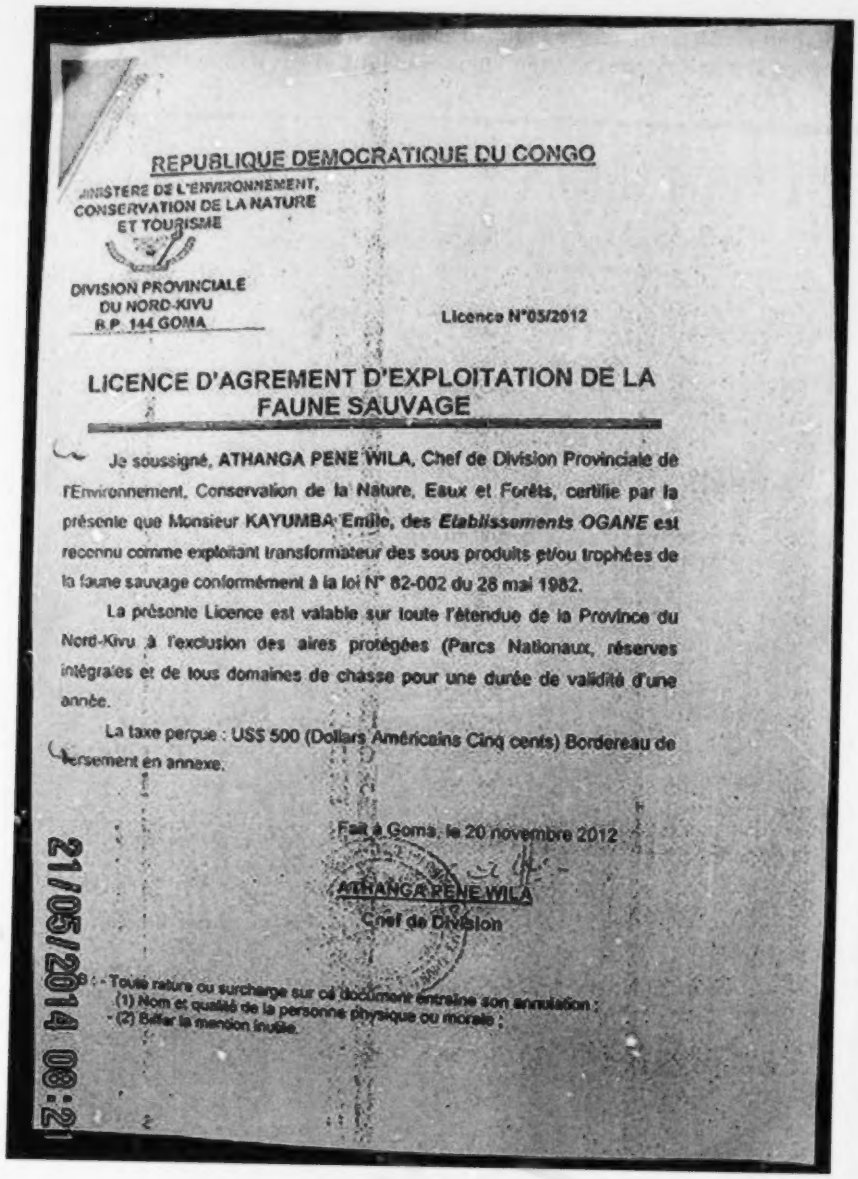
Nom commun	Nom scientifique	Quantité	Origine
Défenses d'éléphants de forêt	Loxodonta africaana cyclotis	4.000 kg	Congolaise (Masisi, Walikale et Lubero)

5. Destination : Pays Africains pour recherches scientifiques et protection de la culture.
6. Agent recevant la déclaration (1) : OMARI DJABILI Janvier, Inspecteur Territorial de la chasse de Walikale.

Fait à Goma, le 20 novembre 2012

Signature du Titulaire

ATHANGA PENE WILA
Chef de Division



REPUBLIQUE DEMOCRATIQUE DU CONGO

MINISTERE DE L'ENVIRONNEMENT, CONSERVATION DE LA NATURE ET TOURISME

DIVISION PROVINCIALE DU NORD-KIVU B.P. 144 GOMA

Licence N°05/2012

LICENCE D'AGREMENT D'EXPLOITATION DE LA FAUNE SAUVAGE

Je soussigné, **ATHANGA PENE WILA**, Chef de Division Provinciale de l'Environnement, Conservation de la Nature, Eaux et Forêts, certifie par la présente que Monsieur **KAYUMBA Emile, des *Etablissements OGANE*** est reconnu comme exploitant transformateur des sous produits et/ou trophées de la faune sauvage conformément à la loi N° 82-002 du 28 mai 1982.

La présente Licence est valable sur toute l'étendue de la Province du Nord-Kivu à l'exclusion des aires protégées (Parcs Nationaux, réserves intégrales et de tous domaines de chasse pour une durée de validité d'une année.

La taxe perçue : US$ 500 (Dollars Américains Cinq cents) Bordereau de versement en annexe.

Fait à Goma, le 20 novembre 2012

ATHANGA PENE WILA

Chef de Division

21/05/2014 08:21

N.B : - Toute rature ou surcharge sur ce document entraine son annulation ;
(1) Nom et qualité de la personne physique ou morale ;
- (2) Biffer la mention inutile.

Annex 38

Uganda wildlife product seizures

In April 2014, the Government of Uganda provided the Group with a list of recent wildlife product seizures.

Number	*Product*	*Weight*	*Location*
1	440 pieces raw ivory 372 pieces polished ivory 15 pieces of rhino horn	1,424 kgs (total for entire seizure)	Entebbe International Airport
2	4 pieces of ivory	20 kgs	Anaka-Nwoya district
3	Hippo teeth	15 kgs	Kampala
4	Pangolin scales	171 kgs	(not specified)
5	Pangolin scales	11.3 kgs	Kampala
6	Pangolin scales	26 kgs	Kampala (Nakawa)
7	Pangolin scales	10 kgs	Kabarole District

Annex 39

Intelligence fusion cell

To address concerns about the lack of objective information gathering and analysis regarding ADF, the Group recommends that MONUSCO create an Intelligence fusion cell (IFC). The purpose of the IFC would be to bring together those actors from within MONUSCO but also the FARDC, PNC, religious leaders from the Muslim and Christian communities, civil society and UPDF, who can consistently contribute quality information.

The IFC would be responsible for the collection, analysis and recommendations of intelligence led activities for implementation by MONUSCO. To do this the IFC would require a clear and established line of communication or chain of command that would allow for information flow from the IFC to military and civilian decision makers within MONUSCO, but also information flow from actors such as Military Observers and TCC at the patrol level to the IFC.

Effective information flow would be enhanced by IFC operating principles that regard collaborative interaction as more important than hierarchy while emphasizing speed of information flow.

The Group further recommends that IFC develop and direct Mixed Engagement Teams and specifically Female Engagement Teams consisting of a mix of civilian staff and military staff. Engagement Teams would provide an optimum development of information flow, thereby substantively improving data collected for analysis by the IFC.

The Group recommends establishing Key Actor mapping with strategies for engagement and allocation of appropriate resources to foster long-term relations.

The Group recommends that IFC designs and implements a comprehensive and proactive information campaign or Influence Operation. This action could significantly improve MONUSCO's situational awareness and reduce possible misinformation[b] in the community and undermine potential attempts at disinformation.

The Group believes that an IFC with these attributes would make a significant contribution to understanding the ADF and its links into local communities and regional networks, and to informing MONUSCO decision making at both the strategic and operational levels.

[b] An example of this would be the current role of the FPU in support of current PNC/FARDC operations in Beni. While MONUSCO correctly identifies that such support is done to ensure no HR violations occur, the same action can be perceived as linking MONUSCO to government actions that may become increasingly seen as hostile and punitive.

Annex 40

Government of Uganda on M23 and ADF

PERMANENT MISSION OF THE REPUBLIC OF UGANDA TO THE UNITED NATIONS

REPUBLIC OF UGANDA

UGANDA HOUSE
336 EAST 45th STREET
NEWYORK, N.Y. 10017
Tel: (212) 949-0110
Fax: (212) 687-4517
E-mail: ugandaony@un.int

OUR REFERENCE UN/SC/18/A
YOUR REFERENCE

May 27, 2014

Mr. Daniel Fahey,
Coordinator, Group of Experts on the
Democratic Republic of the Congo pursuant to
Security Council resolution 2136 (2014)
UN Secretariat
New York

Dear Mr. Fahey,

I have the honour to transmit, for your attention, the attached Response by the Government of Uganda to the issues raised in your letter S/AC.43/2014/GE/OC.38 dated May 9, 2014.

Please accept the assurances of my highest consideration.

John L. Mugerwa
For: Charge d'Affaires a.i.

RESPONSE TO ISSUES RAISED BY THE UN GROUP OF EXPERTS ON DEMOCRATIC REPUBLIC OF CONGO (DRC).

Introduction

1. In responding to the latest communication from the UN Group of Experts on DRC (GOE) of May 9, 2014, the Government of Uganda (GOU) wants to explicitly state that as a matter of policy the GOU always acts transparently. It will be recalled that on many occasions the GOU has been falsely accused by a number of partners including the UN in regard to M23 and ADF. For example when the M23 ex-rebels fled to Uganda in November 2013 there was insinuation that these were not M23 because their numbers far exceeded estimates by MONUSCO, and that Uganda was playing games. Similarly when ADF attacked Kamango in Eastern DRC last year, false reports were spread that the attack was by M23 operating from Uganda and not ADF.

2. It took a team of the Expanded Joint Verification Mechanism (EJVM) to travel to Uganda and to cross to Eastern DRC on 18 Jan 14, and hear for themselves from FARDC commanders that indeed Kamango had been attacked by ADF for the truth to be accepted. This was further confirmed by a team from MONUSCO led by the Deputy Special Representative of the Secretary- General (DSRSG) for

Operations in Eastern Congo, that travelled to Uganda on 31 Jan 14 and made similar field visits.

3. In line with its transparent policy the Government of Uganda has shown the M23 ex-rebels and their arms to all interested parties including MONUSCO, UNSC GOE on DRC, Defence Advisers from the Missions of the five Permanent Members of the UN Security Council and EJVM. To date the Government of Uganda has not received any word of apology from those who were peddling the falsehoods about Uganda.

4. For avoidance of doubt the Government of Uganda categorically states that it has acted transparently and openly in regard to M23 ex-rebels and believes it has played a significant role, through the leadership of the ICGLR in assisting to stabilise the situation in Eastern DRC. The Government of Uganda also firmly believes that ADF which is based in DRC is a terrorist organization with links to Al Qaeda and Al Shabaab networks. The Government of Uganda reiterates its commitment in the struggle against these negative forces until they are eliminated.

Therefore, in line with the right of reply to the issues raised by the GoE in its correspondence of May 9, 2014, Government of Uganda wishes to clarify as follows:

Claims on M23

5. The GoE's claim of inconsistencies in reporting by the Government of Uganda regarding the size and composition of M23 ex-rebels who entered Uganda is inaccurate and misleading. The figures provided are factual and accurate. On 06 Nov 2013, M23 ex-rebels fled from their locations in Eastern DRC to Mgahinga National Park in Uganda. A total of 1456 M23 ex-rebels, that included 135 juveniles, was registered on 06 Nov 14. The figure of M23 ex- rebels registered kept varying due to the following factors:

a. **Separation of Juveniles from the Main Force:**

Of the total number of 1456 M23 Ex- rebels who entered Uganda on 06 Nov 13, 135 were Juveniles. These were separated from the main force and transferred to Nyakabande Transit Refugee Camp on 08 Nov 13. Of these, 54 juveniles who were Congolese, were handed over to UNHCR at Nyakabande in Kisoro district. On 30 Nov 13, 50 juveniles claiming to be Rwandese were relocated to Kyaka II Settlement Centre by ICRC from Hima military barracks i..

Kasese District. 31 juveniles escaped from the holding centres prior to the hand-over. This separation of juveniles from the main force affected the subsequent total figure of M23 ex-rebels on subsequent records. **See Annex A.**

b. **Escape of M23 ex-rebels from Hima Barracks**

Another aspect that caused variations in figures on the lists of the M23 ex-rebels, was the occasional escape of some M23 ex-rebels from the holding facility at Hima, Kasese. Between 14 Nov 13 and 17 Dec13, 57 M23 ex- rebels escaped from Hima to the refugee camps where some had relatives, while others hid within the local communities. Subsequently, operations were launched leading to the arrest of some, others returned voluntarily at different times, while some remained in hiding until the amnesty registration exercise by the DRC Government started in Apr 14.

c. Reporting to UPDF at different Intervals

An unspecified number of ex rebels did not initially report to the UPDF on arrival in Uganda on 06 Nov 13 in Mgahinga, but disguised as civilian refugees. They went to Nyakabande Transit Camp in Kisoro and were later relocated among the civilian refugees to Rwamwanja refugee camp in Kabarole District. Some M23 ex-rebels also hid within the local communities, especially in Kisoro District. Later a number of these ex rebels rejoined their colleagues at Bihanga Military facility on different occasions. For instance, between 17 Dec 13 and 27 March 14, a total of 106 M23 ex-rebels reported to Bihanga military facility at different intervals.

d. Transfer of 9 M23 Ex Combatants from Makindye Military barracks to Hima Military Barracks.

At the outbreak of the conflict between M23 and FARDC in 2012, 9 M23 rebels crossed the border into Uganda and were arrested by

UPDF in Kisoro. They were transferred to Makindye Military Detention Centre in Kampala, where they were kept until 20 Nov 13 when they were reintegrated with their colleagues at Hima, Kasese.

The above factors explain the variations in the figures on the lists of the M23 ex rebels submitted to different delegations (EJVM, MONUSCO and the UN-GOE on DRC) who visited at different times.

6. The issue of the four "Lt. Cols" mentioned by the GoE in its letter of is a result of reporting to the UPDF at different intervals as reflected in 5 (c) above. The individuals reported as follows:

a. Lt Col Shaba Ndombi Georges--reported from Kisoro on 03 Feb 2014;

b. Lt Col Kikuni Butembezi--reported from Mbarara on 17 Feb 2014;

c. Lt Col Mugabo Damascene--reported from Kisoro on 19 Feb 2014;

d. Lt Col Ibrahim Rwagati--reported from Kisoro on 03 March 2014.

Since the M23 lists which were presented to the various visiting delegations only include individuals that were physically present, the above mentioned were therefore not reflected on the earlier lists.

7. Regarding the absence of three individuals ("Lt Col" Ngaruye Mathieu, Cedric Kakule and Abdou Mutundi) on the list given to the GoE on 29 Apr 13, yet they appear on the list given to MONUSCO on 30 Jan 14, the clarification is that Lt Col Ngaruye was not physically present in Bihanga at the time the list was generated. He had been sick and obtained a pass to Kisoro to get treatment. On the other hand "Cedric Kakule" and "Abdou Mutundi" appear on the list given to the GoE on page 35, as CADRE KAKURE JONATHAN and CADRE MUTSINZI ABDOUR. Their names were wrongly written in the previous lists. They are civilian cadres with the M23 militants in Bihanga

8. The absence of Major Fred Ngenzi Kagorora and "Major/Lt Col" Castro Mberagabo on both lists is because these individuals though soldiers, were not actively involved in military activities but were attached to the Political leadership of M23. They are currently in Kampala with Mr. Bertrand Bisiimwa (Chairman M23). They are among the M23 cadres who applied for amnesty in the recent exercise administered by the DRC Officials.

9. The Government of Uganda is not aware of the apparent reshuffle within the M23 Military structure as claimed by the GoE and has not seen any evidence to that effect.

Claims on ADF

10. The government of Uganda notes that the UN GoE on DRC doubts the fact that ADF has trained some of its fighters in the fabrication and use of IEDs and that there are links between ADF and Al-Shabaab as indicated in points 1 and 4 of its letter.

11. The government of Uganda is concerned at the persistent failure by the GoE to appreciate the link between ADF and Al-Shabaab/Al-Qaeda in spite of the obvious evidence provided to them on previous occasions and other key pointers which the GoE also acknowledges in its reports. For example, whereas in its Jan 14 report, the GoE acknowledged the presence of foreign Arab speaking men conducting Military Training Courses and Operations within the ADF camps in Eastern DRC, the GoE surprisingly avoids drawing a nexus between the foreigners and the Al-Shabaab/Al-Qaeda.

12. In addition, the GoE does not appreciate the undisputable information shared with it by Government of Uganda about the Al-Qaeda operatives from the Maghreb, of Moroccan nationality who were arrested in Dakar, Senegal en-route to ADF camps in Eastern DRC in July 2009. These were: Bright Mohamed, Nadane Si Mohamed and Eladini Moulay Abdel Halim. The trio had been issued with travel itinerary and contacts of the ADF by Omar Awadh Omar aka Abu Sahal, a Kenyan National, a member of Al-Qaeda East Africa

and one of those arrested in the Al-Shabaab perpetrated July 11 2010 Kampala bombings. Upon search, the trio were found with a Congolese telephone number +243 811 863 694. Subsequent interview of the suspects revealed that, the above telephone number had been given to them by Omar Awadh Omar aka Abu Sahal, to contact the owner of the telephone number for reception in DRC. Intelligence also established that, the telephone number belonged to Benjamin Muhindo Kisokeranio, the in-charge of ADF Internal Intelligence.

13. Furthermore, the Uganda government had earlier presented to the GoE information about one Miqdad Mohammed Saad (ADF collaborator), based in Kenya, who was communicating with Islamic extremists in Somalia soliciting support for ADF. The information provided included the email address he was using (nufushem@gmail.com)and also the person he was communicating to in Somalia (one Tariq alias Shaakir) who uses Tel Nos +252 618 133

729 and +252 156 522 30. Miqdad Saad is a maternal uncle of Omar Awadh Omar.

14. One Abdallah Kasuja, the ADF bomb expert specialized in Improvised Explosive Devices (IEDs) is one of the ADF leaders who received training in Pakistan and fought alongside the radical Mujahideen in Afghanistan against the Soviet Union in 1978. He has been instrumental in training ADF operatives in the assembling and use of IEDs for urban terrorism.

15. Credible reports have continuously indicated the presence of Al- Shabab trainers in various ADF camps in Eastern DRC. For instance in June 2013 one Mohamed Ali from Mombasa, Kenya linked to Al-Shabaab was training a group of nine ADF rebels on how to assemble and use IEDs in Mwalika camp. This information is acknowledged by the GoE in paragraph 72 of its final report reference S/2014/42 of Jan 14. This is further confirmed by the photographic evidence provided by FARDC authorities showing corpses of two Somali Nationals who were killed when FARDC attacked a specialized

ADF Unit at 'Madina' camp. The two Somali nationals were identified to have been experts in the fabrication and use of IEDs by one of the ADF survivors of the attack. (Source: Military briefing by FARDC on 07 May 14). **See Annex B.**

16. In the absence of any information that disputes the above demonstrated links, the Government of Uganda maintains that there is a clear link between ADF and Al-Shabaab/ Al-Qaeda.

17. In the meeting of 29 Apr 14 which the GoE quote the issue of IEDs was discussed but the Ugandan authorities did not state any figure in relation to the number of ADF trained in their use. However, the Ugandan authorities did reiterate that the ADF had employed IEDs against FARDC in Eastern DRC and that quite a number of ADF fighters had received training in their fabrication and use.

18. The Government of Uganda is surprised that the GoE has continued to claim that it has not found any evidence relating to the training of ADF elements in the fabrication and use of IEDs in spite of the photographic evidence of IED materials recovered from ADF

camps by FARDC during the current Anti-ADF operations. This is in addition to credible reports shared with the GoE during their previous visits to Uganda in Feb and Oct 13.

19. In regard to ADF commanders Ibra Baza, Kategaya and Abdarahaman Kabanda, Uganda Intelligence is actively monitoring the activities of ADF in the region. It is in this respect that credible intelligence obtained indicated that in 2013, the above ADF commanders went to Sudan for military training, specifically in handling SPG9 gun among others and returned to Eastern DRC in February 2014.

20. Whereas there were reports that Al Qaeda considered appointing Jamil Mukulu to replace late Harun Fazul as the Al Qaeda leader for East Africa, there is no clear information about his position in the Al Qaeda hierarchy. The UPDF officers in Beni deny conducting any briefing on this issue on the 09 May 2014 as claimed by the GoE in its letter.

21. In respect to the claim that Jamil Mukulu had left DRC for another country, and did so with the help of "international allies", the GoE raised the matter during the meeting of 29 April 2014 as a media report. The Government of Uganda officials informed the GoE that they were also aware of the same press report, but that there was no corroborating evidence. The GoE was advised to treat the matter as media speculation. It is surprising therefore, that the GoE has raised the same issue again. Furthermore, although Maj Ronald Kakurungu acknowledges talking to a Reuter's reporter, he denies what was attributed to him by the journalist.

CONCLUSION

22. The government of Uganda is very much concerned about the existence and the activities of ADF and all other negative forces operating in the region. For this reason the Government of Uganda is fully committed, as always, to cooperate with the UN and any other

International or Regional bodies in finding a lasting solution to the security threat posed by these forces. It is therefore in the interest of the Government of Uganda to provide accurate and reliable information to any party that is an ally in regional peace and security.

ANNEX A

OFFICE OF THE PRIME MINISTER

PLOT 9-11 APOLLO KAGGWA ROAD P O BOX 341 KAMPALA, UGANDA

TELEPHONES: General Line 0417 [illegible] Web: www.opm.go.ug E-mail: ps@opm.go.ug, info.dor@opm.go.ug

In the correspondence on this subject please quote: OPM/R/11/1

17th February 2014

The Permanent Secretary
Ministry of Foreign Affairs,
Kampala.

Re: Rwandese/Congolese Minors who fled with M23 Rebels.

Reference is made to your letter RST 14/297/01 of 21st January 2014 in connection to the above subject.

A total of 135 minors was received by OPM/UNHCR from UPDF Kisoro on 8th November 2013 interviewed and later handed back to UPDF Kisoro for safe custody.

80 claimed to be from Rwanda.
54 claimed to be Congolese
01 Claimed to be a Ugandan

Out of the 80 "Rwandans", only 54 were relocated to Kasese Barracks, 26 had found their way out of the Barracks and disappeared.

50 were relocated to Kyaka II Settlement from Kasese Barracks. It is said the 4 had escaped before relocation to Kyaka II.

These children were considered for asylum under the Best Interest of the Child Determination (BID) and accorded prima facie status.

UNICEF, ICRC, UNHCR and Office of the Prime Minister have been following up these children in the Settlement, until a durable solution is found.

A joint verification as proposed by the Rwanda High Commission is scheduled for Wednesday 26th February 2014.

David Kapiliga, Engr.
FOR: PERMANENT SECRETARY.

cc: The Permanent Secretary, Office of the President.
cc: The Representative, UNHCR, Kampala
cc: The Country Representative, UNICEF, Kampala.
cc: The Country Representative, ICRC, Kampala.
cc: Chief of Military Intelligence, UPDF, Kampala
cc: File Ref: R/160/230/01

CADRES ADF D'ORIGINE SOMALIENNE,EXPERTS EN BOMBE ARTISANALE)

ANNEX B

Annex 41

Group of Experts response to the Government of Uganda on M23 and ADF

In May, the Group of Experts wrote two requests for information to the Government of Uganda (GoU) prior to publication of this report. On 5 May, the Group asked the GoU for an update on seizures or arrests related to the Group's 2013 final report, which noted the continuation of gold smuggling in Uganda (S/2014/42, para. 183). On 9 May, the Group asked the GoU for clarification on changing numbers and reorganization of M23 in Uganda, and for substantiation of GoU claims about ADF links to Al-Qaida and Al-Shabaab. On 27 May, GoU responded to the Group's request for clarification on M23 and ADF (annex 40); however, GoU did not respond to the Group's questions on gold smuggling prior to the deadline established for this report.

M23

The Group notes that the information provided by the GoU includes significant new details, but also raises new questions. Overall, the Group is concerned that M23 remains a fluid organization, with people leaving and joining the armed group on a regular basis. The significance of this finding remains unclear; however, the Group believes that given the history of armed conflict in the Great Lakes Region, and the fact that many M23 have served in multiple armed groups over time, the shifting numbers and reorganization of M23 gives cause for concern.

While appreciating the clarifications made by the GoU, the Group's concerns remain extant.

First, while the GoU has stated how several events, such as escapes, affected the overall number of M23 combatants in Uganda at different points in time, it does not provide a current figure in its answer. The Group is therefore concerned that the GoU cannot confirm how many M23 ex-combatants and political cadre are currently on its territory. GoU's response also contains inconsistencies. For example, according to the new information, the Group calculated that, as of 27 March 2014, there were a minimum of 1,379 and a maximum of 1,436 M23 in Uganda. Yet a list provided by the GoU to GoE on 30 April contained the names of 1,343 M23. In addition, the GoU does not clearly identify those M23 who have escaped, been rearrested, or returned to camps. The Group presents the changing numbers in table 1, below.

Second, GoU states that two important M23 military officers — "Maj." Fred Ngenzi Kagorora and "Lt. Col." Castro Mberagabo — do not appear on any M23 lists because they are acting as political cadre in Kampala. The Group questions this explanation, because the GoU provided the Group with a list of M23 political cadre in Kampala that includes neither Kagorora nor Mberagabo (annex 25 of this report).

Third, GoU states it has seen no evidence of M23 reorganization. While respecting the GoU position, the Group notes in the present report that such reorganization has in fact taken place, as is evident through comparison of the February and April 2014 lists (paras. 62-63).

Table 1
Changing numbers of M23 in Uganda, Nov. 2013-April 2014

Number	*Date for estimated number*	*Date estimated number was reported*	*Source*	*Remarks*
1,445	5 Nov. 2013	19 Nov. 2013	GoU letter to GoE	GoU reported 1,443 plus Makenga and Kaina. 1,443+2=1,445
1,456	6 Nov. 2013	27 May 2014	GoU letter to GoE	
1,375	20 Nov. 2013	6 Dec. 2013	EJVM, as reported by GoU (current report, annex 23)	EJVM noted that 52 children were removed from this group, but that the overall number did not include Makenga or Kaina. 1,375-52=1,323 1,323+2=1,325
1,302	30 Nov.-4 Dec. 2013	6 Dec. 2013	EJVM headcount (current report, annex 23)	
1,325	Feb. 2014	3 Feb. 2014	GoU provided to MONUCSCO	
Min: 1,379 Max: 1,436	27 Mar. 2014	27 May 2014	GoU letter to GoE	This number is calculated based on information contained in GoU's 27 May 2014 response to the Group of Experts.[a]
1,343	Apr. 2014	30 April 2014	GoU provided to GoE	Roll call of M23 combatants.

[a] GoU states this number included 135 juveniles who were separated from the main group in Nov. 2013: 1,456-135=1,321.
GoU further states that 57 ex-combatants escaped from camps in Nov.-Dec. 2013, and that some returned or were arrested; however, GoU does not state how many returned or were arrested.
Minimum: 1,321-57=1,264
Maximum: 1,321-0=1,321
GoU states 106 ex-M23 reported to Bihanga camp between Dec. 2013-Mar. 2014.
Minimum: 1,264+106=1,370
Maximum: 1,321+106=1,427
GoU states an additional 9 ex-M23 who arrived in Uganda in 2012 were added to M23 in Nov. 2013.
Minimum: 1,370+9=1,379
Maximum: 1,427+9=1,436

ADF

The Group notes that GoU misinterpreted the Group's request regarding ADF s use of IEDs. GoU states: "The government of Uganda notes that the UN GoE on DRC doubts the fact that ADF has trained some of its fighters in the fabrication and use of IEDs" (para. 10 of GoU letter). In the present report, the Group notes that it inspected two intact IEDs and parts of a third, and clearly identified ADF's use of IEDs. The Group does not dispute that ADF has trained some of its fighters to

fabricate and use IEDs, but questions GoU's claim that representatives of Al-Shabaab or other groups have provided this training.

Regarding links between ADF and Al-Qaida and Al-Shabaab, the Group stands by its statements in this report about a lack of evidence demonstrating links between ADF and foreign terrorist groups. GoU asserts there is a "clear link" between ADF links and both Al-Qaida and Al-Shabaab (para. 16), demonstrated in part by ADF's use of IEDs (paras. 14-15); however, the Group has not established such a link, and has consulted the UN Somalia and Eritrea Monitoring Group, which has also not found any link (see also S/2014/42, para. 72). The Group views the crude nature of the ADF IEDs examined by the Group as evidence of the absence of such links.

The Group had asked GoU to clarify remarks made on 9 May by a UPDF Col. in Beni about Jamil Mukulu being the fifth most senior leader in Al-Qaida. The GoU states the Col. has denied making such statements; however, the Group has confirmed that the Col. did make this claim publicly in front of FARDC and MONUSCO officers in Beni.

Conclusion

Given the self-identified concerns of the GoU regarding M23 present in Uganda, the Group is concerned that GoU has not taken steps to address the shifting numbers and reorganization of M23 on its territory. In addition, GoU's response to GoE regarding ADF does not change the Group's findings contained in this report. The Group however, remains available and willing to review any information that would substantively support the GoU position. The Group also reiterates its ongoing concern about the issue of mineral smuggling in Uganda, and sincerely hopes for meaningful engagement with the GoU on this topic.